DOCUMENT RESUME

ED 456 806 IR 020 840

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TITLE	Preliminary Assessment of the Proposed Closure of the National Technical Information Service (NTIS): A Report to the President and the Congress.
INSTITUTION	National Commission on Libraries and Information Science, Washington, DC.
PUB DATE	2000-03-00
NOTE	71p.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	Federal Government; *Information Services; Institutional Evaluation; *Public Agencies
IDENTIFIERS	*National Technical Information Service

ABSTRACT

This document reports on an NCLIS (National Commission on Libraries and Information Science) study of the proposal to close NTIS (National Technical Information Service) and shift its paper, microfiche, digital archives, and bibliographic database to the Library of Congress. The report documents the results of research, interviews, public meetings, government meetings, and other fact and opinion gathering efforts, and spells out specific findings, conclusions, and the following recommendations: (1) NTIS be retained for the balance of FY (Fiscal Year) 2000 and extending into FY 2001, in order to give NCLIS enough time to study the pros/cons and costs/benefits of feasible alternatives; (2) the Department of Commerce be allowed to utilize its budget request to keep NTIS operational for the remainder of FY 2000 at a satisfactory level of staffing and service instead of using those funds to further downsize and close the agency; (3) Congress should authorize an appropriation of 5 million dollars for FY 2001 to sustain NTIS at a necessary satisfactory level of service and allow NCLIS to complete its in-depth analysis; and (4) the final decision on how best to deal with the NTIS situation should not be made exclusively on the ground of preventing NTIS from falling into a deficit because of a requirement that operating costs be recovered primarily through the collection of fees. Several attachments support the findings. (MES)

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ED 456 806

Preliminary Assessment of the Proposed Closure of the National Technical Information Service (NTIS):

A Report to the President and the Congress

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The National Commission on Libraries and Information Science is a permanent, independent agency of the federal government, established in 1970 with the enactment of Public Law 91-345. The Commission is charged with:

- advising the President and the Congress on the implementation of policy;
- conducting studies, surveys, and analyses of the library and informational needs of the nation;
- appraising the adequacies and deficiencies of current library and information resources and services; and
- developing overall plans for meeting national library and informational needs.

The Commission also advises Federal, state, and local governments, and other public and private organizations, regarding library and information sciences, including consultations on relevant treaties, international agreements and implementing legislation, and it promotes research and development activities which will extend and improve the nation's library and information handling capability as essential links in the national and international networks.

Commissioners and staff at the time that the assessment was completed include:

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Suggested Citation:

Preliminary assessment of the proposed closure of the National Technical Information Service (NTIS): a report to the President and the Congress. Washington, DC: U.S. Government Printing Office, 2000.

Preliminary Assessment of the Proposed Closure of the National Technical Information Service (NTIS):

A Report to the President and the Congress

March 2000

NCLIS

U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE
1110 Vermont Avenue, NW, Suite 820, Washington, DC 20005-3552

United States National Commission on Libraries and Information Science

March 16, 2000

The President
The White House
Washington, DC 20500

The Vice President
President of the Senate
United States Senate
Washington, DC 20510

The Speaker of the House
United States House of Representatives
Washington, DC 20515

Dear Mr. President, Mr. Vice President and Mr. Speaker:

The United States National Commission on Libraries and Information Science (NCLIS) is an independent agency charged by Section 5 of PL 91-345 to take a leadership position on matters pertaining to the library and information needs of the nation. Specifically, Section 1504(a)(1) of Title 20 says that the Commission shall "advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate."

In fulfillment of that statutory mandate, the Commission has been carefully studying the proposal made in August 1999 by the Department of Commerce to close the National Technical Information Service (NTIS) and shift its paper, microfiche, digital archives, and bibliographic database to the Library of Congress.

Soon after Secretary Daley's announcement, the Commission met with senior Departmental officials, as well as staff members of both the Senate and House committees holding jurisdiction over science and technology issues. All recognized the value of an independent examination of the Commerce proposal, and all participated in the Commission's public and working meetings, and other fact and opinion gathering activities during the September 1999 – February 2000 period.

I am attaching our report, which documents results of the Commission's research, interviews, public meetings, government meetings, and other fact and opinion gathering efforts, and spells out fully our specific findings, conclusions, and recommendations. It is called a "preliminary assessment" because we plan to undertake an in-depth study of all alternatives later.

Briefly, the Commission is recommending that:

1. NTIS be retained in the Department of Commerce, at least temporarily for the balance of FY 2000 and extending into FY 2001, in order to give the Commission, assisted by a broad group of both public and private sector stakeholders, enough time to study thoroughly the pros and cons, and costs and benefits, of a small number of feasible alternatives, including (but not limited to) the one formally announced by Secretary Daley last August (i.e. transfer NTIS collections to the Library of Congress);

2. The Department of Commerce be allowed to utilize the $4.5M included in its Supplemental FY 2000 budget request (the NTIS Revolving Fund account) to keep NTIS operational for the remainder of FY 2000 at a satisfactory level of staffing and service, instead of using those funds to further downsize and close the agency;

3. The Congress should authorize an appropriation of $5M (the estimated funding level required for a full fiscal year) for FY 2001 to sustain NTIS operations at a necessary satisfactory level of service, and allow the Commission to complete its in-depth analysis; and

4. Ensure that the final decision on how best to deal with the NTIS situation is not made exclusively on the narrower, fiscally-driven ground of preventing NTIS from falling into a deficit because of the 1992 PL 102-245 Section 3704(b)-1 requirement that operating costs should be recovered primarily *through the collection of fees*. As important as that consideration is, the government must also take into account the larger question of how, in the Information Age, we can strengthen government information dissemination machinery to the public, to private industry to enhance U.S. competitiveness, and to the U.S. scientific research communities. Inter-related concerns of permanent public accessibility, permanent records retention, preservation of materials, and authentication of official government holdings must also be addressed. The government must also consider the magnitude and consequences of shifting costs from end-users to Federal agencies (and therefore the taxpayer) as public access to Federal web sites accelerates.

The value to the nation's economy that stems from the government's capital investment in the capture, organization, permanent availability for, access to and dissemination of scientific and technical information (which the taxpayer has paid for already) for the public and for private enterprise, and for government agencies at all levels - - Federal, State, local, and tribal, is enormous and far-reaching, and cannot be accurately estimated.

But there is one inconvertible fact that in the Commission's view is the most compelling justification for keeping a strong NTIS, and that is that ***the $5 million estimated annual appropriation requirement represents less than 1/100th of one percent of the total annual budget (currently estimated for FY 2001 to be about $80 billion dollars) for the Federal Government's research and development investment, which NTIS is charged with reporting***. What a small price to pay for such an incredibly valuable investment and asset! Moreover, the $5M represents less than 20% of the total NTIS budget.

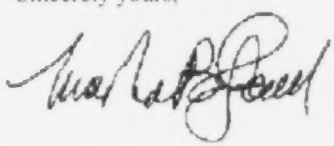
We commend this report to your careful study, and stand ready to respond should you wish (1) additional amplification or clarification of the process we followed, and/or (2) to ask us to defend and justify our findings, conclusions and recommendations.

We are concurrently sending a copy of this report to the Secretary of Commerce, the Director of NTIS, the Director of OMB, the Director of OSTP, and various members of the House and Senate committees with direct and indirect jurisdictional interest in this matter, and the many public and private sector stakeholder groups which have been assisting us. Copies are also being sent to the Archivist of the United States, the Public Printer, and the Librarian of Congress, all of whom have an interest in the matter since they are all concerned with the collection, handling, and dissemination of government information to the public.

Our Commission has over twenty years of experience in sorting out complex issues relating in some way to the dissemination of government information to the public, including clarifying public and private sector roles. The two White House Conferences on Library and Information Services, held in 1979 and 1991, and the Public Sector/Private Sector Task Force on Providing Information Services published in 1982, all were Commission-led endeavors that attracted nationwide participation and interest.

We stand ready to meet or assist you in whatever way we can so that this important but at the same time complex matter can hopefully be resolved to the satisfaction of all concerned parties.

Sincerely yours,



Martha B. Gould
Chairperson

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ACKNOWLEDGEMENTS

The members and staff of the U.S. National Commission on Libraries and Information Science express their sincere appreciation to everyone contributing to the success of this assessment. Their combined advice, guidance, suggestions, support and encouragement in the examination of this important issue are most valuable. The Commission is particularly grateful to the individuals and organizations that provided written statements and other materials.

There are two experts in government information policy and management whose participation contributed greatly to the success of this effort. Forest Woody Horton and Sarah T. Kadec gathered and evaluated historical documents about the National Technical Information Service, organized and moderated the Commission's public meetings, meet with numerous stakeholders, compiled comments and edited this report. The Commission is grateful for their extraordinary effort to make this study comprehensive and inclusive under very tight time constraints.

Finally, the members and staff of the U.S. National Commission on Libraries and Information Science wish to express their gratitude for the leadership of Jeanne Hurley Simon who was chair of the Commission at the beginning of this assessment and who died of cancer on February 20, 2000, before it was completed. Her commitment to public access to government information was unwavering, and she challenged the Commission to confront the difficult and complex issues of reassessing fundamental government information policies in light of rapid technological changes.

Preliminary Assessment of the Proposed Closure of the National Technical Information Service (NTIS): A Report to the President and the Congress

A. THE ROLE OF NCLIS

The United States National Commission on Libraries and Information Science (NCLIS) is an independent agency charged by Section 5 of PL 91-345 to take a leadership position on matters pertaining to the library and information needs of the nation. Specifically, 20 *U.S.C.* 1504(a)(1) says that the Commission shall "advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate."

In fulfillment of that statutory mandate, the Commission has been carefully studying the proposal made in August 1999 by the Department of Commerce to close the National Technical Information Service (NTIS) and shift its paper, microfiche, digital archives and bibliographic database to the Library of Congress (Attachment 1). An intensive study of this situation was begun in September 1999 after consulting with Department of Commerce officials and members of both the Senate and House Committees holding jurisdiction over science and technology issues. All recognized the value of an independent examination of the Commerce proposal, and all have participated in the Commission's public and working meetings.

The Commerce Department's proposed action provides a timely "window of opportunity" to vastly improve public access to Federal scientific and technical information (STI). The "NTIS issue," while an urgent and important challenge that must be resolved quickly because of the agency's precarious financial condition, should not be addressed narrowly, in isolation. While the immediate crisis is primarily a fiscally-driven scientific and technical communication problem, this fact should not preclude examination of the larger and longer standing problem of ensuring effective, equitable, and efficient public access to Government information. The Commission is committed to keeping the larger context in mind as it proceeds with both short and longer-term actions.

B. THE NCLIS PRELIMINARY ASSESSMENT PROCESS

Our study contains five major components:

1. An examination of nearly three dozen historical assessments that have been made in the last fifty years or so, as well as the scholarly literature, involving some aspect of NTIS statutory authorities, operating functions and its range of services to Federal agencies, the public, and to American industry and business. The study also examined financial considerations, especially the overarching question of to what extent NTIS operations should be self-supporting (Attachment 2);

2. Correspondence to the House Science Committee, and informal consultations with the Senate Commerce, Science and Transportation Committee, in connection with their respective

hearings held in late 1999, and the appearance of NCLIS Commissioner Joan Challinor to deliver testimony at Chairman Frist's hearing held by the Science, Technology and Space Subcommittee of the Senate parent committee (Attachment 3);

3. The convocation of three public meetings, one on January 19, 2000 at the Benton Foundation, the second on February 4, 2000 in the Rayburn House Office Building, and the third on February 29, 2000 in the Russell Senate Office Building, to which over 75 major stakeholders were invited, representing both users and policy officials from many different Federal agencies, private companies, professional societies of librarians and scientists, not-for-profit organizations, and other groups, in both the public and private sectors, all of which are directly concerned with this matter (Attachment 4);

4. Special consultations between the NCLIS Executive Director and top officials from three of the largest and most important Federal information organizations which house major central public information collections, and provide a wide range of major access and dissemination services to the public. These are the Government Printing Office, the National Archives and Records Administration, and the Library of Congress. Special meetings were also held with the Office of Management and Budget (OMB) as well as the Software and Information Industry Association (SIIA) and other private industry representatives (Attachment 5); and

5. Solicitation of the general public's views on the Commission's investigations into this matter, using the vehicle of an announcement in the *Federal Register*, and a final public meeting held on February 29, 2000, as well as posting the draft report on the Commission web site and outreach through several listservs (Attachment 6); hundreds of letters and e-mail messages were received from across the country.

C. FINDINGS

After considering all of the facts and opinions collected to date, the Commission finds that:

1. *First, the Commission reaffirms that the mandated NTIS mission is fundamentally sound and has very high strategic value to the U.S. economy. However the current NTIS business model is flawed and needs to be changed and updated.* The requirement to self-fund activities mandated by Section 3704b-1 of 1992 PL 102-245 for activities that are inherently governmental and therefore should be directly financed through appropriations *is the basic flaw in the business model.* Scientific and technical information is a critical national asset, and greatly enhances the ability of American private enterprise to (a) compete in foreign and domestic markets, (b) increase productivity, (c) promote employment and real wage growth, and (d) enhance the standard of living. Such enhancements will depend to a large extent on the rapid and efficient diffusion of R&D results (STI).

2. *Second, there is no single, clearly superior, straightforward, and speedy course of action that the President and the Congress can take* to strengthen the current NTIS business model and correct long-standing problems *without first effecting basic statutory remedies.* These problems include the current system for collecting, cataloging and indexing, storing, and disseminating or providing access to STI via sales and public access programs. The root problem that precipitated the Department of Commerce's proposed action in the first place, namely, forcing NTIS to sustain the full range of its services on a self-sufficiency basis because of the afore-mentioned statutory obligations, *must first be corrected.*

3. *Third, the Congress should correct the basic statutory flaw in the NTIS business model by:*

   - *Either eliminating the 1992 PL 102-245, Section 3704b-1 statutory requirement that "operating costs for the NTIS associated with the acquisition, storage, bibliographic control and archiving of information and data shall be recovered primarily through the collection of fees"* (underlining supplied)*; or*

   - *Modifying the statute's language, or its interpretation by the Congress, so as to make clear that operating costs can also be defrayed by appropriated funds.*

   A broad consensus among the majority of the stakeholders and experts whose views the Commission has solicited, strongly supports this recommendation. There are also other elements of the business model that will require changing an updating in the Internet Age.

4. *Fourth, the Commission believes that the collection, organization, making available, and providing access to government information by the public is fundamentally a governmental obligation.* Therefore, in regard to NTIS:

   - The government should annually appropriate sufficient funds to finance those "common good" or "public good" functions at projected workload levels (estimated to be approximately $5M* for a full fiscal year, but perhaps somewhat less for the current year FY 2000 because the year is already half over); and

   - If some NTIS functions and specialized Agency-specific publishing activities are returned to the individual Federal agencies, a significant reduction of services to the public would undoubtedly result, and additional costs, such as start-up expenses, as well as an increase in operating costs because of the loss of economies of scale currently being realized, would be incurred by those agencies. Moreover, those agencies would have to assume for themselves, or have replicated elsewhere, those publishing and dissemination services NTIS currently provides if NTIS no longer offered them;

5. Fifth, most of the reasons that have caused NTIS to go "into the red" in recent years are unintended consequences of the agency being pressured to comply with the statutory constraint to be self-supporting. In addition, in the opinion of the Department of Commerce Inspector General, this pressure has led NTIS to expand services to agencies and develop products that are beyond its mission. If direct appropriation financing was forthcoming, NTIS would be expected to discontinue any such alleged "expansionary" activities. Moreover, when considering the desirability of creating value-added products and services, NTIS should not create such products and services where public-private partnerships or independent private products and services can efficiently provide the desired added value result for users; and

6. Sixth, m*ore time is needed to investigate carefully the pros and cons, and the benefits and costs* of the Department of Commerce's announced plan to transfer the NTIS collections and some operations to the Library of Congress, as well as the other alternatives the Commission has identified during the course of its fact-finding. Alternatives being considered can be sub-divided into categories. The first category of alternatives are those which do *not* require the creation of a brand new, major institutional entity, and/or the substantial modification of existing statutory authorities, policies, or lines of business in order to accommodate transfer

of NTIS operations. As a consequence, these alternatives could be implemented in the 18-month timeframe April 1, 2000 – September 30, 2001. These options include, for example:

- Retaining NTIS in the Department of Commerce;
- Transferring collections and service responsibilities to the Library of Congress;
- Transferring collections and service responsibilities to the Government Printing Office; and
- Transferring collections and service responsibilities to the National Archives and Records Administration.

The second category of alternatives, on the other hand, would require the creation of a new, major institutional entity, and/or the substantial modification of statutory authorities, policies, and lines of business, or transferring the mission and roles to the private sector. In the case of the public sector, these alternatives may also require major adjustments in traditional missions, roles, and organizational cultures. Planning, negotiating, and overseeing the full range of legislative, structural, personnel, financial, and other infrastructure requirements that would inevitably be associated with such a major undertaking could not be accomplished efficiently and effectively in the 18-month timeframe so as to ensure the option is fully in place by September 30, 2001. These latter alternatives include the possibility of:

- Establishing a new national library of science, engineering, and technology;
- Transferring some or all of the NTIS collections and services to the National Academy of Sciences, the National Science Foundation, or the Smithsonian Institution;
- Creating a new independent agency as a service bureau to consolidate public information dissemination functions now dispersed; and
- Privatizing some NTIS activities.

None of the above-mentioned Federal (or private sector) entities, whether the first set of four organizations listed, or the second set of alternatives, could assume responsibility for all of the NTIS mission and programs without additional funding, including the option of allowing NTIS to remain in the Department of Commerce. Other alternatives that have also been considered already, but rejected by the participating stakeholders, including:

- The establishment of NTIS as a quasi-governmental corporation;
- Transferring NTIS collections and services to a "lead host scientific and technical information intensive agency" (such as NASA, DOE, or DoD); or
- Transferring NTIS collections and services to GSA.

NCLIS believes that a clear consensus to continue studying the above-mentioned three options simply does not exist, at least among the experts and concerned individuals with whom the Commission has thus far consulted. NCLIS is also aware that many of these alternatives have

been addressed in Congressional hearings on, and private studies of, NTIS in the past. The President and the Congress always reserve the option of revisiting these, or offering still other alternatives for consideration.

All alternatives will be considered by NCLIS during the suggested 18-month study period. The mere fact that the first category of alternatives could be accomplished within an 18-month timeframe, while an obvious advantage because minimal mission and role adjustments and disruptions would be required does not necessarily make these alternatives the best ones. The Commission's analysis must also consider the ultimate goal of modernizing and updating the Federal Government's overall public information policies, programs, and infrastructures. On the other hand, if the Commission found that one of the first category of alternatives is clearly superior in most key respects, it may not be necessary to look exhaustively at the remainder of the options although they would be considered.

D. CONCLUSIONS

After reflecting carefully on all of its findings, the Commission reached the following conclusions with respect to the significance, implications, and consequences of the findings:

1. The value to the nation's economy that stems from the government's capital investment in the capture, preservation, permanent availability, and dissemination of scientific and technical information for small entrepreneurs, students, faculty researchers, private enterprise, and government agencies at all levels – -Federal, State, local, and tribal - - is enormous and far-reaching, and cannot be accurately estimated. However, the $5M* estimated annual appropriation requirement for NTIS operations represents ***less than 1/100th of one percent of the total annual governmental research and development investment which NTIS is charged with reporting. Currently this investment is estimated to be about $80 billion dollars for FY 2001.*** Moreover, the $5M* represents less than 20% of the total current NTIS budget.

2. All of the alternatives considered, including the proposal of the Secretary of Commerce, will require an appropriation of $5M per year to cover the basic public good acquisition and processing costs of NTIS. The availability of these funds, whether they come from the appropriation of one agency or another, should therefore not be a factor in the evaluation of alternatives. By approving these funds for at least the balance of FY 2000 and FY 2001, the Congress would insure the proper continuation of NTIS at satisfactory service levels during the evaluation period, and an objective evaluation free of the funding issue which resulted in the current proposal of the Secretary of Commerce.

3. In the Commission's view, the key objective in the analysis of alternatives should be to find ways to enhance the legislatively mandated functions and operations currently performed by NTIS. Priority should be given, roughly in order, to:

    - Ensuring that the mechanisms needed to locate, capture, identify, organize, preserve, and make permanently publicly available and readily and fairly accessible the results of Federally-funded R&D, are sustained and strengthened, regardless of organizational location;

- Creating a new vision of how NTIS should operate in the Information Age (which virtually everyone agrees we are now well into), including using the Web to a far greater degree, and in more creative ways; and

- Improving the NTIS "business model" by modernizing and updating its vision and mission, and recasting its lines of business so that its mission and goals can be efficiently, effectively, and economically realized.

4. Having the capability to download a report free on the Web, instead of paying for a hard copy report of the same information, while undeniably of importance, is only one of many considerations that must be taken into account in reconfiguring NTIS. The broader goal of strengthening the distribution channels for government information to many general and specialized user publics must be considered. Criteria which must be considered include:

   - Fairness and equity, especially as regards the special needs of disadvantaged, disabled and rural populations, which may neither have access to a home, office, or other computer, nor ready access to a depository or other library;

   - A multiplicity and diversity of access and dissemination mechanisms, both public and private;

   - A multiplicity and diversity of information formats and mediums;

   - A multiplicity and diversity of distribution channels, using both the Web, depository libraries, and other libraries and information centers, as well as more conventional pre-electronic modes of delivery; and

   - Greater use of on-demand modes and correspondingly less on "100% standing distribution."

   The involvement of both public and private sectors in joint partnerships is essential to serving the specialized and unique needs of all segments of society, often through specialized access and dissemination products and services, whether for STI or for other kinds of government information.

   For example, in the context of cooperation between NTIS and the private sector, to offer but three examples:

   - The products in the NTIS Trade and Business Bookstore are from both sectors, and include organizations such as Jane's Information Group and McGraw-Hill;

   - In the context of Federal agency efforts to improve web access to STI, the Environmental Protection Agency since 1997 has offered one-stop shopping for more than 6,000 full-text, online EPA documents; and

   - The Defense Technical Information Center has developed a system called "STINET" which includes all unclassified, unlimited citations since 1985 from the Center's technical report collection.

5. If NTIS receives the recommended approximate $5M* annual appropriation to defray the costs of the data acquisition, indexing, processing, and permanent public access, then the current pilot project begun in 1998 to investigate the feasibility of providing electronic image technical reports from the NTIS collection to Federal depository libraries should be restructured to include all depository libraries as quickly as practicable. This would entail an additional one-time appropriation for NTIS for required technical infrastructure upgrades and specific depository services. Recurring costs could be defrayed from the annual $5M* appropriation. However, no sales, marketing, or order processing expenses should be defrayed by these appropriations.

6. Finally, it should be remembered that while downloading information on the Internet by users may be free from the user standpoint, costs are implicitly shifted to the taxpayer because government agencies must enhance their information and telecommunications infrastructures - - hardware, software, networks, systems, databases, and so forth - -in order to compensate for the increased demand and cope with heightened public expectations for both enhanced quality and quantity of web services. Moreover, retaining materials on the web for only three years as suggested by the Department of Commerce is woefully inadequate to meet the needs for permanent public availability and accessibility. *We already know from experience that two thirds of all requests from NTIS users are for materials that are over three years old, and one third of the total is for materials that are over ten years old!*

E. RECOMMENDATIONS

From the beginning of our study, the Commission has been consistently reminded that time is critical in this matter because:

1. The service capabilities of NTIS are deteriorating continuously as NTIS employees resign, retire, or transfer to other units, often with very serious impacts on their pay, careers, families, and morale;

2. Private enterprise, students, faculty researchers, government, and foreign customers of NTIS products and services are increasingly worried as to whether, and how (if at all) they will have access to the results of Federally-funded R&D in the future;

3. The President's FY 2001 Budget has already been presented to the Congress, agencies have already begun the FY 2002 budget planning process, the Department of Commerce's plans for dealing with the NTIS situation remain directed to closing the agency by the end of FY 2000, and there is a hiring freeze in place at NTIS; and

4. Congressional authorization and appropriation committees with jurisdiction over the Commerce Department's budget are moving swiftly with their plans to deal with the NTIS matter. There appear to be three reasons:

    - Resolving the residual FY 2000 budget issues as quickly as possible so that the Congress can take up the President's FY 2001 budget;

    - The press of the election year; and

- The fear that unless a satisfactory resolution is reached rapidly, the STI access and dissemination flows from NTIS to private industry, academic research institutions, and Federal agencies would be seriously interrupted.

Therefore, the Commission recommends that:

1. *The President direct the Secretary of Commerce to retain NTIS within the Department of Commerce for at least the balance of FY 2000, and through the end of FY 2001*, in order to give the Commission, and other institutions such as the General Accounting Office, enough time to ensure that the pros and cons, and benefits and costs, of the above-listed alternatives are thoroughly considered, including the option of allowing NTIS to remain in the Department of Commerce;

2. *The Congress annually appropriate sufficient funds, beginning in FY 2000, to finance that portion of legislatively mandated NTIS activities and services which are inherently governmental in nature*. Currently this amount has been estimated by NTIS to be $5M* but it may change depending on workload and other factors. These activities and services include the orderly collection, organization, preservation of and permanent public access to scientific and technical information of potential use to future generations of researchers;

3. Once the inherently governmental NTIS functions are financed by appropriated funds, *NTIS may continue to operate a sales program but must abide by existing Federal information resources management policies and principles* such as the Paperwork Reduction Reauthorization Act of 1995 and OMB Circular A-130:

   - *NTIS should set user charges at levels sufficient to recover, but not exceed, the total cost of the sales program, excluding all costs financed by appropriations.*

   - *NTIS should cease improperly restrictive practices such as charging fees or royalties on the reuse, resale, or redissemination of products and services such as the NTIS bibliographic database*; and

   - NTIS should ensure that decisions to introduce new products or services are made only *after careful consideration of the capabilities of the private sector* to create commercial products by adding value to government information either through public private partnerships or through independent efforts.

4. A one-time appropriation, estimated by NTIS to be $1.6M,* should be approved to defray the costs to set up an appropriate mechanism to *provide free and permanent public access to current materials and future acquisitions, primarily by electronic means, through the Federal Depository Library Program* and to ensure that, as retrospective materials are captured electronically, they are also made available for permanent public access, *again primarily via the Internet* and other electronic mediums (no open-ended authorization for the unlimited availability of print or fiche materials in this context is either implicitly or explicitly intended); and

5. *The Secretary of Commerce take such internal policy, financial, personnel, and other actions* as appropriate to the circumstances, to ensure that:

- *NTIS staffing and budget are maintained at a satisfactory threshold level of support* to preclude any further erosion of services to NTIS clients, both in and out of government;

- *NTIS plant capacity, staffing, and service levels are restored* if and where they may have already dropped below that satisfactory level;

- *NTIS clients, both in and out of government, are notified* of actions taken to restore NTIS services, and reassured that materials over three years old are not being discarded; and

- *Periodic reports are submitted to the Congressional oversight and appropriation committees, and OMB*, covering steps that have been taken or are being taken to implement this recommended course of action. The Secretary should forward copies of the reports to NCLIS as well. The broader issue of strengthened NTIS governance should be addressed in the Commission's in-depth study of alternatives.

All five of the above recommendations are interdependent, and therefore should not be considered as unrelated recommendations. Also, the close working interdependencies of individual agencies on the one hand, and the central information servicing agencies such as NTIS, GPO, NARA and the Library of Congress, on the other hand, need to be addressed as an integrated whole.

F. FINAL WORDS

One of the most important stakeholder groups which has assisted the Commission in its deliberations is CENDI, an informal consortium of 10 Federal agencies that are heavily STI-intensive (Commerce, Energy, EPA, NASA, NLM Education, Agriculture, Defense Technical Information Center, National Air Intelligence Center, and Interior). In their report to the Commission they say:

> "NTIS is part of an information dissemination system for the general public that has evolved over 50 years. The key functions of public access, which include cross-discipline, cross-agency, dissemination and archiving, as well as the proactive identification and collection of agency R&D results, continue to be necessary in whatever paradigm that emerges for the future of Federal scientific and technical information system. To suddenly remove a component of such a system without a full analysis of the impacts (including second and third order impacts) would now have many unknown consequences. At a minimum the burden of costs will be shifted to the general taxpayer from the user who directly benefits from the services in the current NTIS cost recovery operation. At worst, in the short term, access would simply be lost at whatever cost."

The Commission will continue to assist the Department of Commerce, NTIS, and the standing authorization and appropriation committees of the Congress holding jurisdiction, as well as other committees with an interest in this matter, to achieve the foregoing recommendations in an expeditious and satisfactory manner. The in-depth assessment of the alternatives will begin by April 1, 2000.

Finally, the Commission will keep foremost in mind the larger question of how to strengthen Government information dissemination to the public in the Information Age, including finding mechanisms to ensure agency compliance with public dissemination and permanent preservation efforts.

The Commission has selected various key documents that are useful to illuminate various points in the text and included them as attachments to this report. Additionally, a great deal of material, including many position papers and public comments, has been posted to the Commission's web site and readers are referred to these materials as well at: http://www.nclis.gov/info/ntis/ntis.html.

ENDNOTE:

*These estimates by NTIS for the required annual and one-time appropriation amounts are preliminary. The specific purposes for which they are to be utilized, along with the exact amounts, must be verified before final numbers are presented to the House and Senate Appropriations Committees.

ATTACHMENT 1. DEPARTMENT OF COMMERCE FACT SHEET AND PRESS RELEASE, AUGUST 12, 1999; AND NCLIS LETTER TO SECRETARY OF COMMERCE WILLIAM DALEY, AUGUST 16, 1999

[NOTE: Although the format may be different, the content of these documents is as submitted or published.]

FACT SHEET: Providing The American People Information For The 21st Century: The Commerce Department Proposes to Close NTIS and Ensure That People Can Receive Technical Information for Free over the Internet

Source: http://204.193.246.62/public.nsf/docs/ea7bd28117eef74d852567cb006b7d20

The Department of Commerce proposes to close the National Technical Information Service (NTIS), transfer its archives to the Library of Congress, and ensure that Government agencies provide technical and business reports to the public for free via the Internet. The Department believes strongly that the American people can continue to receive the same information they have today if we close down NTIS and ensure that Government agencies post all technical reports on the Internet and send the documents electronically to the Library of Congress. This way, the American people can find the documents they want via search engines that currently exist -- and the more powerful ones being created -- and download them for free. We will propose legislation to Congress next month to achieve these ends.

In the New Economy, the NTIS Business Model Is Fundamentally Flawed. NTIS was created in 1950 to operate as a clearinghouse within the U.S. Government for the collection and dissemination of technical, scientific, and engineering information of all kinds. However, the rapid growth of the Internet has fundamentally changed the way NTIS' customers acquire and use information. As the Department's Inspector General noted in March 1999, "Federal agencies are increasingly bypassing NTIS as a distribution channel, instead offering their publications directly to the public over the Internet." On the Department of Commerce's own web page, the American people can get technical and business reports for free that they are forced to pay for to obtain them from NTIS. For example,

- In June 1999, the Commerce Department released the Emerging Digital Economy II report. This report can be downloaded from the Department's web page for free. Alternatively, a taxpayer can go to the NTIS web page and obtain the report for $27 per copy.

- In November 1998, the Administration released the first annual report of the U.S. Government working group on electronic commerce. This report can be downloaded from the Department's web page for free. NTIS sells this same document for $25.50. As a result,

- Sales of publications from the NTIS clearinghouse declined from almost 2.3 million units in FY1993 to 1.3 million units in FY1998.

- NTIS has used a majority of its retained earnings over the past several years to cover losses in business; in fact, the core clearinghouse business has not operated at a profit since 1993. The Department has asked Congress to provide a $2 million appropriation for FY2000 to fill the gap between costs and revenues. However, neither the House nor the

Senate appropriations bill provides this funding. Without it, NTIS is in danger of being deficient in FY2000.

- NTIS' financial situation continues to worsen. For example, at the end of FY1998, NTIS forecasted revenues of $46.8 million for FY1999; ten months later, it forecast revenues of approximately $33 million -- a nearly 30-percent difference.

- To offset losses, NTIS has ventured into other businesses. But, as the Department's IG stated, "We are also concerned that in order to replace lost sales, NTIS is seeking business opportunities on the perimeter of its statutory mission, where it risks competing against private businesses."

The Department's Proposed Plan Will Ensure that the American People Continue to Have Access to Scientific Information. In the 21st century, the Administration envisions an environment where all citizens have free access to Government information over the Internet. Improvements in technology are enabling all Federal Government agencies to post their technical reports and business information on their web sites and allow them to maintain that information for long periods of time. Thus, the Department proposes the following two actions:

1. Transfer NTIS Archives to the Library of Congress. The Library of Congress already includes a designated scientific and technical section, and the NTIS collection of three million titles is nearly the size of Library holdings in the science and technology area. If approved by Congress, NTIS' paper, microfiche, and digital archives, and bibliographic database would be transferred to the Library of Congress in order to maintain them and ensure they remain available to the public. The Department's IG recognized that NTIS may need to be transferred to another agency and suggested consideration of the Library of Congress. In addition, current and future Government technical reports would be electronically transmitted to the Library of Congress, where they would be catalogued, indexed, and electronically archived. The Department has recently contacted the Library of Congress with our proposal, and intends to work closely with the Library in the weeks ahead to refine it.

2. Ensure that Agencies Maintain Technical Reports and Business Information on their web sites for Long Periods of Time. The Department is also working to ensure that Government agencies post their technical and business reports on the Internet for long periods of time. Since the marginal cost of producing a paper copy of a technical report can be high and the marginal cost of an additional digital copy of the report is essentially zero, the Government will be able to provide the American people technical reports for free, instead of charging a fee. Moreover, a number of search engines of Government web sites already exist (within Government entities [e.g., the Library of Congress], universities, and private sector firms). And more powerful search engines - an electronic clearinghouse -- continue to be developed within the Government so that the American people can more easily find reports they want.

Minimizing the Impact on NTIS' Employees. If Congress approves the Secretary's proposal, the Department will take every available action to help NTIS' employees move into other jobs within the Government.

- First, the Secretary has "committed the Department of Commerce to making every reasonable effort to place [the NTIS employees in other jobs within the Department]." He has sent a memorandum to all of the Department's bureaus instructing them that, if Congress approves the Department's proposal, they are to work with the Department's Human Resources office to place employees in jobs consistent with their abilities, and when necessary, restructure open positions in order to place as many of the NTIS staff as

possible. Over the past month, over 40 NTIS employees were successfully moved to other bureaus within the Department in order to keep NTIS from becoming deficient in FY1999. The Department believes that with sufficient time we can place nearly all of the employees in other jobs within the Department.

- Second, because the Department may be unable to place all the NTIS employees in jobs within the Department, the Secretary has sent a letter to OPM Director Janice Lachance asking for her assistance, if Congress approves closing NTIS, in placing and retraining NTIS employees for other jobs throughout the Government.

Press Release: Commerce Secretary William M. Daley Announces Intention to Close National Technical Information Service

Source: http://204.193.246.62/public.nsf/docs/FFF05791D63331D1852567CB00693643

FOR IMMEDIATE RELEASE
Thursday, August 12, 1999

Contact: Maria Tildon
Marlene MacDonald
202-482-4883

Commerce Secretary William M. Daley Announces Intention to Close National Technical Information Service

Washington, DC - Commerce Secretary William M. Daley today announced his intention to work with Congress to close the National Technical Information Service (NTIS) at the Department of Commerce, while preserving public access to scientific and technical reports. After extensive review and analysis it was determined that the core function of NTIS, providing government information for a fee, is no longer needed in this day of advanced electronic technology. Established in 1950, NTIS' core business - the sale of government documents in microfiche and on paper - is rapidly becoming less of the necessity it was as agencies and groups have begun to post their reports on the Internet for free. For example, the Commerce Department recently released a report called, "The Emerging Digital Economy II." This report can be downloaded from the Department of Commerce web site for free rather than for a $27 fee through NTIS. These changes in the information marketplace have made obsolete the need for NTIS to serve as a clearinghouse and, thus have in turn made it increasingly difficult for NTIS to maintain its operation on a self-sustaining basis, as established by Congress.

NTIS' sales have dramatically declined over the last six years with the advent of the personal computer and increased use of the Internet. In fact, NTIS' core clearinghouse business has not operated at a profit since FY 1993. In its March 1999 Semiannual Report to the Congress, Commerce's Office of Inspector General concluded that "even with significant efforts to improve its profitability, NTIS can no longer generate sufficient revenue to remain self-supporting." If this proposal is not implemented, NTIS will be in danger of going bankrupt.

"This was a tough decision to make, but sound management dictates that we cut our losses and recognize the technologically advanced environment we live in," said Secretary Daley. "This is the right thing to do and the best thing for the American taxpayer."

The Commerce Department next month will send to Congress proposed legislation closing NTIS and shifting its paper, microfiche, digital archives and bibliographic database to the Library of Congress. In addition, Commerce will work to ensure that government technical and business information provided by government agencies remains available to the public for long periods of

time. The American people could continue to find these technical reports through search engines that currently exist (at, for example, the Library of Congress).

If Congress approves this proposal, Secretary Daley has instructed his staff to work closely with the over 250 employees of NTIS to assist them with job placement within the Department. The Secretary also has sent a letter to Office of Personnel Director, Janice Lachance, requesting the Office of Personnel Management's assistance with both the placement and retraining of NTIS employees.

Fact sheets with additional information are available on the Commerce Department's web site at www.doc.gov or for a fax call the press office at 202-482-4883.

Letter from NCLIS Chairperson Jeanne Hurley Simon to Secretary of Commerce William M. Daley, August 16, 1999

August 16, 1999

The Honorable William M. Daley
Secretary of Commerce
Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230

Dear Bill,

I noted with great interest the recent press release announcing your intention to close the National Technical Information Service (NTIS), and transfer the vast holdings now maintained by NTIS to the Library of Congress. As you indicate, action to accomplish this proposal requires legislation, which you plan to present to Congress for its consideration next month.
Certainly I applaud your personal interest, as well as President Clinton's and Vice President Gore's impressive list of initiatives undertaken during this Administration, to make more and more Government information cost-effectively available. Ordinary citizens, students, job seekers, businesses, lower levels of government, and other segments of society will all profit by using the new electronic mediums such as the World Wide Web to access this information. The National Commission on Libraries and Information Science (NCLIS), which I chair, sees the increasing migration of traditional ink-on-paper and microform public information products to electronic mediums and formats as both inexorable and desirable.

However, I want to bring to your attention several very important and relevant findings, which have emerged from a just, concluded, nine-month NCLIS study entitled "Assessment of Electronic Government Information Products." This study was commissioned by the Congress, with the active support of the Administration (former OMB/OIRA Administrator Sally Katzen, now back at OMB, was involved in its planning). The study was implemented with the assistance of a contractor, Westat, Inc. of Rockville, Maryland.

Among the study's major findings from a detailed survey of 24 Federal agencies in all three branches covering over 300 specific government information products was that Federal agencies are confused as to just what is meant by "permanent public access," even though they concur in the need for the Government to hold certain documents for extensive periods of time. Moreover, we found there is confusion between "permanent records retention" as that concept is embodied in Federal records legislation, and "permanent public access" and "preservation," as two closely

related ideas that are emerging in the library, historian, archival, journalism, educational, public interest, and related fields.

All of these public information retention requirements tie in with the historical mission of the NTIS to collect, organize, preserve, and make available permanently government reports and documents. This mission must not be lost in the organizational changes you are proposing. Additionally, there are other important findings in the aforementioned study that touch upon government information dissemination to the public, and your NTIS plans, in which I believe your Department would be very interested.

In short, because of our Commission's recent endeavors in this field, and in the light of your planned legislative initiative, I wanted to offer our assistance to you and the Congress as your proposal moves forward. You may wish to direct your staff's attention to the aforementioned study final report. The Executive Summary appears at http://www.nclis.gov/news/nclisexecsum.pdf and the full report is at http://www.access.gpo.gov/su_docs/nclisassessment/report.html. I am enclosing a hard copy of the report herewith.

Congratulations, again, for taking these steps, and please let our Commission's Executive Director, Robert S. Willard, or me know if we can be helpful to you.

Sincerely yours,

Jeanne Hurley Simon
Chairperson

Enclosure

ATTACHMENT 2: NCLIS LETTER TO REPRESENTATIVE CONSTANCE A. MORELLA, SEPTEMBER 13, 1999

[NOTE: Although the format may be different, the content of this document is as submitted or published.]

Letter from NCLIS Executive Director Robert S. Willard to Representative Constance A. Morella, September 13, 1999

September 13, 1999

The Honorable Constance A. Morella
2228 Rayburn House Office Building
House of Representatives
Washington, D.C. 20515-2008

Dear Congresswoman Morella,

I am writing to you to on behalf of Chairperson Jeanne Hurley Simon of the U.S. National Commission on Libraries and Information Science (NCLIS) with regard to the proposed closing of the National Technical Information Service (NTIS). This proposal of the Department of

Commerce would result in the transfer of NTIS authorities, functions and resources to another agency, but it also raises broader public information policy issues. I would like to suggest to you that NCLIS might be helpful to you as you explore this proposal and its attendant issues.

NCLIS is an independent agency charged by PL 91-345 to take a leadership position on matters pertaining to the library and information needs of the nation. Specifically, Section 1504(1) of that law says the Commission shall "advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate." Therefore it is appropriate for us to offer our assistance to the Congress in an area that is of critical importance to the information needs of the people of the United States.

We did offer to present oral testimony at your hearing on NTIS scheduled for Tuesday, September 14, 1999, but have been advised that it will not be possible. However, we sent a packet of information to Terri Fish at the Technology Subcommittee of the House Science Committee; that information provides background material on the Commission and some of its relevant activities. Included in the package of materials was a recent study, *Assessment of Electronic Government Information Products*, dealing with current agency practices for preparation and dissemination of electronic government information products. Also enclosed was a copy of a letter Ms. Simon sent to the Secretary of Commerce regarding the NTIS matter.

The vice chair of our Commission and members of my staff met recently with Jonathan M. Orszag, Assistant to Secretary Daley, who is directing the NTIS transfer. Mr. Orszag identified two objectives that Commerce was pursuing. One objective is the orderly transfer of various authorities, functions and resources from Commerce to the Library of Congress (or another agency) so that the Department can divest itself of its NTIS fiduciary responsibilities. The other objective is to assure that the public good represented by the NTIS collection remains accessible to the American people. Mr. Orszag acknowledged the broader public information policy issues including the reforms needed in government information dissemination that are implicitly raised by the transfer of this major Federal information resource. However, he does not see it as a Commerce Department role to take the lead on addressing these broader issues.

It is, however, entirely appropriate for the Commission to address these issues. We are well positioned to examine the need to consolidate, simplify, and streamline government information dissemination and to look at the changes that are required at a time when Government is dramatically shifting information products to the Web. Therefore, I would propose that you ask NCLIS to perform a quick, independent assessment of the Commerce Department proposal; this assessment should be completed in 3-6 months so as not to delay plans to transfer NTIS out of Commerce by the end of FY 2000. The assessment would identify various options the Congress could consider to address both the closure of NTIS and the reforms needed in Federal policies and programs dealing with government information dissemination.

The Department of Commerce's proposal to close NTIS provides a very timely opportunity to reconsider ways to strengthen the overall policy and the organizational and legal machinery used to deliver Federal information to the public. We are very concerned that the short-term measures that must be taken to transfer authorities, functions, and resources of NTIS by the end of Fiscal Year 2000 not cause the Congress to defer the more substantive considerations relating to the need for basic reforms in government information dissemination.

We would welcome the chance to discuss our suggestion in detail with you and/or members of your staff at your convenience. We could cover a number of topics, including a timetable, specific

format for our assessment, and other considerations. I will contact you after the hearing to determine what the appropriate next steps are.

Sincerely yours,

Robert S. Willard
Executive Director

ATTACHMENT 3: NCLIS TESTIMONY BEFORE THE U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

[NOTE: Although the format may be different, the content of these documents is as submitted or published.]

Opening Statement of Commissioner Joan R. Challinor before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science and Transportation, October 21, 1999

Department of Commerce's Plan to
Close the National Technical Information Service

Opening statement of
Joan R. Challinor
Member, U.S. National Commission on
Libraries and Information Science
before the
Subcommittee on Science, Technology and Space
Committee on Commerce, Science and Transportation
United States Senate
Thursday, October 21, 1999

Good afternoon, Mister Chairman and members of the Subcommittee. My name is Joan Challinor and it is my privilege to be a member of the National Commission on Libraries and Information Science. President Clinton appointed me in 1995 and I am delighted to find myself a part of a group of committed, involved Commissioners. The first concern of members of the Commission is the library and information needs of the people of this nation, and the second concern is translating those needs into policy recommendations to the Congress and the President. That is exactly the responsibility Congress assigned the Commission when it created it in 1971.

I am grateful for the opportunity to discuss with you the issue of closing NTIS, the National Technical Information Service. We have submitted written testimony, and I request that it be included in the record of this hearing. I will address some of the points in the written testimony in a moment, but first I would like to share some personal thoughts on the weighty issues facing Congress as it deals with the Department of Commerce's proposal to close NTIS.

I am an historian, and for forty-five years I have been married to a scientist. This combination of disciplines gives me a unique perspective on some of the issues involved in the NTIS proposal. I

certainly understand the relationship between science and communication and the value of prior research. In 1676, Sir Isaac Newton credited his success, in part, to the work of his predecessors: "If I have seen further," he wrote to a colleague, "it is by standing on the shoulders of Giants."

I also understand the need for communicating prior research to future scientists. As an historian, I recognize that this communication must occur over decades, perhaps centuries. While I do not plan to make specific comments about the NTIS proposal today, I can tell you that I was slightly shocked to see the draft legislation and its requirement that agencies maintain access to their scientific, technical or engineering information for not less than three years.

In our written testimony, we make three major points. First, the Commission, or NCLIS, as part of its broad mandate, has long been concerned with issues affecting government information programs. We undertook a significant study in the early 1980's dealing with appropriate roles for the public and private sector in distributing government information and, I hasten to point out, the principles developed in that study would be worth reviewing in the context of the current NTIS proposal.

Most recently, however, we have concluded a survey of government agency practices as information dissemination moves from a mostly ink-on-paper world to a system of electronic distribution. (This study was undertaken at the request of the Government Printing Office and was funded with the approval of Congress's Joint Committee on Printing. A copy of the report, "Assessment of Government Information Products," has been provided to the subcommittee.) We discovered an across-the-board lack of government information policy to guide electronic publishing. We saw that there was no uniform understanding of the concept of permanent public access to government information. And we noticed a clear lack of coordination of publishing initiatives at all levels, even within agencies. At the same time, and this is the good news, we saw agencies making significant strides in using modern information technologies to expand broadly the quantity and quality of information made available to the citizens of this country.

Our second point is that the issues faced by the proposed organizational changes for NTIS closely correlate with the issues discovered in our recent survey. Accordingly, Congress should recognize that it would be making decisions that are far more consequential than a simple governmental reorganization that shifts boxes on an organization chart. We are facing an opportunity to write anew the basic policy for creation, use, storage, distribution, and long-term disposition of one of the most valuable resources - perhaps the most important -- in the possession of the government: information. While we are sympathetic to the pressures felt by the Commerce Department to accelerate the resolution of its perceived problems with NTIS, we urge Congress to address these issues in a thoughtful and deliberate manner, even if that means a slower pace than the Commerce Department might wish.

Here I should mention my personal concern about "unintended consequences." In my study of history, I have been fascinated with the number of promising proposals that when enacted lead to less than desirable outcomes. Indeed, the requirement that Congress imposed on NTIS that it be self-funding led to the unintended consequences of expanded entrepreneurial activities in the hope that revenue from the new activities would cover the costs of the original basic functions. It would be well for Congress to keep in mind this all too common problem while it decides the next steps for NTIS. While nobody has a crystal ball for the future, it nevertheless remains possible to conceptualize a range of consequences for each policy proposal and thus take steps to minimize unintended consequences.

Our third point is to offer the assistance of the National Commission on Libraries and Information Science. When the House of Representatives held hearings on closing NTIS, a number of witnesses proposed that a formal study of the issues take place before Congress took any action affecting the future of NTIS. We respectfully suggest that NCLIS is the appropriate mechanism for undertaking this study. In fact, our statutory charter clearly envisions this role. Indeed, it was because of this role, and the independent point of view we can provide, that GPO selected us to perform the study I mentioned earlier. In three to six months, NCLIS could review the historical record of NTIS, invite comment from a broad range of affected constituencies, and bring together a panel of experts to develop a cohesive, consensual approach to the proposal. NCLIS could then provide Congress with the policy advice needed to take wise action.

Even before the thirteen colonies became the United States, our science commanded the attention of remarkable citizens. Benjamin Franklin (who, I can't fail to point out, started the first lending library in the colonies) became deputy postmaster of Philadelphia and was later appointed postmaster general by the Second Continental Congress; he sent journals and scientific information free of charge to scientists in the colonies with whom he corresponded regularly. As the foremost American scientist of his time, he knew that only by the widespread dissemination of information could science flourish.

This subcommittee, and Congress itself, is now being asked to make decisions that will also have an effect on whether science flourishes. Today's hearing is evidence of the seriousness with which you address this issue. I want to thank you for allowing NCLIS to be a part of today's hearing, and look forward to the Commission's continued involvement with you on this issue. At this point, I would be glad to respond to any questions from members of the subcommittee. Thank you.

Prepared Statement of Commissioner Joan R. Challinor before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science and Transportation, October 21, 1999

STATEMENT OF
JOAN CHALLINOR, PH.D
MEMBER
U.S. NATIONAL COMMISSION ON LIBRARIES
AND INFORMATION SCIENCE
BEFORE THE
SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION
UNITED STATES SENATE
ON
THE DEPARTMENT OF COMMERCE'S PLAN TO CLOSE THE
NATIONAL TECHNICAL INFORMATION SERVICE
THURSDAY, OCTOBER 21, 1999
2:30 P.M.
ROOM 253
SENATE RUSSELL OFFICE BUILDING

Mister Chairperson and Members of the Subcommittee, thank you for inviting the National Commission on Libraries and Information Science to participate in this review of the Department of Commerce's plan to close the National Technical Information Service (NTIS). I am Joan

Challinor, a Member of the National Commission and I appear here today at the request of our Chairperson, Jeanne Hurley Simon, who would be here herself but for the fact she is undergoing treatment for cancer in her home in Illinois.

NCLIS

NCLIS is an independent agency created by a far-sighted Congress in 1970 when it passed PL 91-345. The Commission is comprised of Presidential appointees who meet four or five times a year for the specific purpose of developing advice for the President and the Congress on matters pertaining to library and information needs of the nation. Therefore, it is appropriate for us to provide testimony, and offer further assistance if the Congress wishes, on the NTIS proposal, a matter that we believe is of critical importance to the information needs of the people of the United States.

REFORMS NEEDED IN PUBLIC INFORMATION DISSEMINATION

The entire question of government information dissemination needs a thoroughgoing discussion. On September 23, 1999, we wrote to the Chair of this Subcommittee that the Department of Commerce's proposal to close NTIS provides a very timely opportunity to consider ways to strengthen the overall policy, as well as the organizational and legal machinery for delivery of Federal information to the public. Greater understanding of the entire question of government information must precede discussion on the future of NTIS. The Commission is very concerned that the short-term measures that must be taken to transfer authorities, functions, and resources of NTIS by the end of Fiscal Year 2000 not cause the Congress to defer the more substantive considerations relating to the need for basic reforms in government information dissemination.

NCLIS has been heavily involved since its establishment nearly thirty years ago in examining Federal information dissemination policies, programs and projects. Included in the material we recently sent to this subcommittee was a copy of the final report of our most recent study "Assessment of Electronic Government Information Products." This study is an in-depth investigation, undertaken by a contractor (Westat, Inc.) under our supervision, of the plans and practices of Federal agencies to migrate ink-on-paper and microform Government information products to electronic formats and mediums.

We worked directly with the Government Printing Office (GPO) on this two-year study completed on March 30, 1999. The study is a direct outgrowth of Congressional concerns over the impact of electronic publishing on the ability of citizens to obtain access to Government information, particularly through the Federal Depository Library Program.

The heart of the study was a nine-month survey, which enjoyed the active support and participation of all three branches of government. Twenty-four different Federal entities participated, including the Supreme Court, several committees of the Congress, one regulatory commission, and 19 executive branch agencies (including most of the cabinet departments). In addition to this broad and diverse participation, an impressive 74% of the survey forms (242 out of 328 sent to the agencies) were returned completed, which is a highly unusual rate of return for what was a very complex questionnaire with over 100 questions.

Among the key findings of the survey was the observation that there is an overall lack of government information policy to guide electronic publishing and dissemination, permanent

public access to Federal information holdings, and other information policies as they relate to agency missions. Also, there is a lack of overall coordination of these initiatives at the governmental, branch, and even at the agency level. The study found that responsibility for electronic publishing within agencies is decentralized, diffuse and unclear. Some agencies either could not identify or had difficulty identifying the individual within their own agency who was responsible for a specific electronic product.

CORRELATION OF NCLIS STUDY TO NTIS CLOSURE

It is fair to ask, "What do the findings of the aforementioned NCLIS study have to do with the planned closure of NTIS?" We believe there are at least four connections.

First, the public good represented by the NTIS collections – which are owned by the people of the United States -- must remain accessible to them irrespective of where those collections are organizationally housed within the Federal structure. The Department of Commerce has made it very clear that it does not believe it should continue to house and manage these kinds of data and document holdings, even if a way could be found to make the program break even. The question is, "Where is the appropriate location – is it the Library of Congress, the Government Printing Office, some combination of the two, or another as yet unidentified organization?"

Second, the nation's 1350 federal depository libraries, which, under law, are supposed to be the "first line of defense" in providing government information to citizens, are "not in the loop." These institutions need to be assured that agency information is systematically, routinely, and regularly identified, cataloged and made available to them quickly after it is published, and that information is not discontinued from an agency web site without warning.

Senators John Warner and Wendell Ford of the Senate Committee on Rules and Administration, during the 105th Congress, wrote in their letter directing the NCLIS study on electronic information products, "the Federal Depository Library Program served, and continues to serve the American public by insuring localized access to federal government information. The mission continues to be as important today to the fundamental success of our democracy as it was when that program was first created. The program's original mandate, to assist Americans regardless of economic, educational, or geographic considerations, is one that must not be lost as we strategically and thoughtfully use the tools of the electronic age to enhance that mandate."

The NTIS closure will certainly exacerbate the problems being faced by users of the federal depository libraries, as well as users of public and private libraries across the country who are already worrying, waiting to find out who the new Federal provider(s) of scientific, technical, and engineering information will be.

Third, Federal agency chief information officers (CIOs) do not regard public information dissemination as a high priority. They are, understandably, far more consumed in the day-to-day challenges of dealing with the Y2K problem, and replacing rapidly obsolescing information handling hardware and software with state-of-the-art versions. They are coping with the very difficult challenge of trying to ensure that their information technology expenditures are paying off in terms of their primary agency missions -- an area for which they are regularly reviewed by their own inspectors general, the White House, the Congress, and the General Accounting Office. Even though the Office of Management and Budget (OMB) strongly supported the NCLIS study, it is not surprising that front line information managers give a lower priority to information dissemination and long-term availability.

Last but by no means least, federal information management policies are a patchwork quilt of disconnected concerns that have not been harmonized into a unified Federal information policy fabric. Here we are talking about matters of privacy, copyright, security, authentication, encryption, permanent public access, permanent records retention, the use of metadata tools such as the Government Information Locator System (GILS), and many other areas. NCLIS found in its survey that agency personnel were unaware of many of the policies; they were bewildered and confused on how, if at all, the concepts and requirements they do know about fit together in an overall information life cycle context as required by the Paperwork Reduction Reauthorization Act of 1995 and other legislation. In short, while there are individual Federal agency CIOs in each agency, there is no CIO of CIOs at the Executive Office of the President level who is charged with overall Federal information policy and program planning, coordination, management, and control.

WHAT DOES NCLIS PROPOSE?

We believe that the matter of transferring the NTIS holdings out of the Department of Commerce should not be addressed by the Congress and the President in an ad hoc manner, disembodied from the overarching consideration of strengthening overall Federal information management policy in the areas of public information dissemination and electronic publishing. We applaud the gigantic strides being made by the Government in migrating ink-on-paper and microform holdings to electronic formats and mediums, especially to agency web sites, but we are very concerned that in the absence of strong leadership and guidance, there is a real risk that public information dissemination will continue to fragment. Its cost-effectiveness and efficiency will erode along with that fragmentation and compartmentalization. The public is now confronted with a daunting array of Federal information indexes, indexing systems, gateways, cataloging schemes, software protocols, hardware platforms, and URL addresses that defy understanding except by the most sophisticated computer and information literate experts. The ordinary citizens, including even some librarians on the firing line, don't have a chance!

NCLIS proposes to be given an opportunity to make a three to six month assessment of overall Federal information dissemination policies, programs, authorities, responsibilities, functions, and other considerations, and how the proposed NTIS closing fits into this framework. We would then make a series of specific recommendations to the President and the Congress on how to simplify, streamline and harmonize this critically important area as we move further into the Internet era. Such an assessment could be done in a time frame that would still permit the Department of Commerce to meet its timetable with respect to the transfer of NTIS.

Thank you Mr. Chairman for affording our Commission this opportunity to share our views, and we would welcome the opportunity to discuss our findings and recommendations in more detail with you at your convenience.

Responses to Post Hearing Questions for the Record, November 8, 1999

RESPONSES TO POST HEARING QUESTIONS FOR THE RECORD
SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
SCIENCE, TECHNOLOGY AND SPACE HEARINGS ON
THE NATIONAL TECHNICAL INFORMATION SERVICE
OCTOBER 21, 1999
SUBMITTED BY SENATOR BILL FRIST
TO THE HONORABLE JOAN R. CHALLINOR, COMMISSIONER,
UNITED STATES NATIONAL COMMISSION ON LIBRARIES AND

INFORMATION SCIENCE

Question 1: In working to produce the report on "Assessment of Electronic Government Information Products," did your participants include both librarians and technologists at the different federal entities?

Response: Yes, survey respondents, other survey interviewees, and the special advisory group established by the Commission to help plan the study included a wide variety of different federal agency personnel and offices, including: librarians; records and archival officers; information system and technology staffs; public affairs officials; web and media specialists; management analysts; technical information personnel; chief information officers; publishing and printing officials; program managers; and others. Several library and information science professors and former high-level government information policy experts served on the study's advisory group and were also interviewed in-depth. All three branches of Government were involved, and representatives of the Federal Depository Library Program, a key constituency group of the study, participated in the study's design and periodically reviewed progress and offered advice, as did various federal interagency and public interest groups. In short, the survey consciously solicited a wide variety of viewpoints and perspectives, and therefore its conclusions and findings, to the best of our knowledge, are not unduly biased or weighted in favor of any particular "vested interests." Indeed, sometimes a difference of opinion was expressed in response to the same interview question depending on the respondent's particular perspective of the issues and problems.

Question 2: Do you agree that the resolution to NTIS should be a part of a larger initiative to address overall policy on the electronic publication and dissemination of government information? Do you have any suggestions or recommendations for such a policy?

Response: Yes, NCLIS strongly believes that the "resolution of NTIS" challenge should not be dealt with in a disconnected, piecemeal fashion. Rather, the matter should be part of a broader investigation that "lays out the record" in a public manner after carefully considering:

1. the viewpoints and stakes of the many players involved - - the Congress, the President and OMB, agency chief information officers, major federal information dissemination agencies such as the Government Printing Office and the Library of Congress, agency program divisions, agency functional offices such as publishing and webmaster offices, citizens, businesses, state and local levels of government, interagency committees, public information users groups, consumer interest groups, the media, historians, scientists and scientific and technical information officials, federal depository librarians, and others;
2. federal public information dissemination and electronic publishing laws, rules, regulations, policies, programs, and practices;
3. a selected sample of interagency and agency level implementing procedures (e.g. agency web guidelines and traditional as well as electronic publishing procedures);
4. existing organizational missions and authorities of the various federal entities with public information dissemination and electronic publishing responsibilities;
5. changing citizen needs for, and ways of identifying, obtaining, and using government information in the Information Age (both traditional ink-on-paper and electronic); and
6. other factors.

In its above-mentioned study report, NCLIS documented at the top, middle and lower agency levels both (1) a lack of awareness and understanding of many of the current laws that touch on public information dissemination and electronic publishing, as well as (2) considerable confusion,

overlap, duplication, inconsistencies and gaps among and between the applicable federal laws, authorities, policies, programs and so on. For example, surprisingly, there is no statutory provision that defines *permanent public access*, and yet that information management concept is crucial to the orderly migration of traditional (pre-electronic) information products to the web, minimizing federal information losses due to fugitive materials, and guaranteeing the preservation of the federal record for historical, archival, socio-cultural and other reasons.
NCLIS does have some preliminary ideas as to how this fragmentation of guidance and responsibility at the government-wide, branch and agency levels can be significantly reduced. The Commission also has some views as to how the many dispersed and compartmentalized dissemination and publishing authorities could be consolidated, simplified and streamlined. However, the Commission believes the appropriate course of action is to undertake a 3-6 month investigation as recommended in our prepared testimony to the Committee. Only after that investigation considers the viewpoints of the many players involved would the pros and cons of alternative scenarios and strategies be formulated for the Congress to consider.

The Commission also believes that while it has the statutory authority to initiate such an investigation, it would be very helpful if a mandate were given to us by Congress (just as it was by the Joint Committee on Printing in the case of the just-completed study) in order to maximize the prospects for soliciting greater agency cooperation, attracting keener public interest and support, and securing more focused media and public interest group attention.

Question 3: Regardless of the resolution for which agency has the mandate to publish government scientific literature, do any of you have recommendations for dealing with the issue that agencies are not submitting documents as required by law?

Response: NCLIS believes that what needs to be done first and foremost is to educate and train agency officials in order to enlighten them as to the relevant statutes and regulations - -and enforce current laws. For example, there is a provision in The Paperwork Reduction Reauthorization Act of 1995, Section 3506(d) that says:

> "with respect to information dissemination, each agency shall provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products"

Some agency officials were aware of this provision, but most were not, or were confused as to how it related to other legislation. Beyond the Paperwork Reduction Reauthorization Act of 1995, which is a part of Chapter 35 of Title 44 of the USC, other provisions of Title 44, such as those that pertain to the authorities and responsibilities of the Public Printer, the Government Printing Office and the Federal Depository Library Program (in particular Chapters 2, 5, 17, 19), and the National Archives and Records Administration and agency records programs (in particular Chapters 21 and 31), and other legislation such as the Information Technology Management Reform Act, and the American Technology Pre-eminence Act all have a bearing on agency requirements for submitting agency documents and information to NTIS, NARA and the FDLP.

But NCLIS found that neither federal nor agency level web guidelines, nor other information dissemination guidance policies and procedures, adequately implement the provisions of these many laws. As a consequence, government information products "appear and disappear" oftentimes with very little, or even without any warning whatsoever, whether products are intended for internal agency personnel or for external public audiences. Nor do federal

publishing guidelines and standards bring together in one place the many considerations relating to alternative information formats, mediums, standards and dissemination practices.

In sum, the answer to this question also underscores the need for a sound, official government definition for the concept of "*permanent public access*." That concept is closely related to, but is distinguishable from a similar information retention requirement - - "*permanent records retention*," which is embodied in Federal records legislation. Currently, agencies are floundering in the absence of authoritative guidance and many agencies (if not most) assume that the two concepts are synonymous. Consequently, agencies are interpreting information retention requirements in a very confusing, inconsistent, and inadequate manner.

The investigation we are proposing would squarely address the critical need for uniform and practical guidance in the area of information retention, and sorting out closely related concepts including the two mentioned in the preceding paragraph plus two very important and closely related additional areas: *authentication* and *preservation* of information materials. There is also a need for a consistent definition of just what is *government information*. NCLIS has already drafted for review several "white papers" in these areas.

In the Foreword to the Office of Technology Assessment's report "Helping America Compete: The Role of Federal Scientific and Technical Information,"(July 1990), the statement is made:

> "Global change is a fact of contemporary life - - whether in the political, economic, or technological spheres. U.S. leadership in all of these areas is being challenged. We need to take actions that can help renew the U.S. competitive edge in the worldwide marketplace of ideas, products, and services, and to provide leadership on global issues such as the environment. A key area of U.S. strength could and should be our scientific and technical information. The U.S. Government is the largest single source of STI in the world - - ranging from technical reports on aerospace propulsion and solar thermal electronic systems to satellite data on oceanic and atmospheric trends to bibliographic indices on medical and agricultural research. Ye the U.S. is not taking full advantage of opportunities to use Federal STI as part of a strategy to renew the U.S. competitive edge. STI is very important to scientists and engineers in a wide range of research, development, and commercial activities. They spend a lot of time on STI - - time that is valued, conservatively, at several billions of dollars per year just for federally funded researchers. When used efficiently, Federal STI pays off handsomely."

In summary, NCLIS believes the core issue at stake in the NTIS transfer is not the sorting out of Federal agency organizational boxes or benefit: cost equations, although they certainly must be addressed, but, rather, a carefully considered, fresh assessment of how to strengthen the value of Government information as a strategic national social and economic resource to America and individual Americans in the emerging Information Age.

The Commission would welcome an opportunity to meet with Committee members and/or staff as early as practicable to discuss our proposal for undertaking a study which explicitly addresses not only the specific questions raised by the Secretary of Commerce's proposed transfer of NTIS authorities, functions, and collections, but the broader questions of how to strengthen government-wide public information dissemination and electronic publishing policies, organizational missions and authorities, and related matters as well. We will be contacting you shortly for that purpose.

Letter from NCLIS Executive Director Robert S. Willard to Senator Bill Frist, December 10, 1999

December 10, 1999

The Honorable Bill Frist
Chairman, Subcommittee on Science, Technology and Space
Committee on Commerce, Science and Transportation
416 Russell Senate Office Building
Washington, D.C. 20510-4205

Dear Senator Frist,

Jeanne Hurley Simon, Chairperson of the U.S. National Commission on Libraries and Information Science (NCLIS) first offered the Commission's assistance to you in connection with your deliberations relating to the shutdown and transfer of NTIS from the Department of Commerce, in her August 16, 1999 letter (attached).

You then kindly reciprocated, and invited the Commission to testify at your October 21, 1999 hearing on NTIS. We furnished a prepared statement to the Subcommittee in advance, and NCLIS Member Dr. Joan R. Challinor testified on the Commission's behalf. As you may recall from her opening statement, Dr. Joan Challinor is the wife of Dr. David Challinor, who for quite some time before his retirement was the Assistant Secretary for Science at the Smithsonian Institution. That period included the time when the old Smithsonian Science Information Exchange (SSIE) went to the new NTIS. Both David and Joan are therefore quite familiar with the scientific and technical information resources challenges of the Nation.

In our response to your post hearing questions for the record, we reiterated our offer to assist you, and I'm pleased that on December 8, 1999, Floyd Deschamps invited Judy Russell, NCLIS Deputy Executive Director, and NCLIS consultant Dr. Forest Woody Horton, Jr., to a meeting in the Subcommittee's offices in the Hart building. Ms. Russell and Dr. Horton tell me that they believe the meeting was very productive and there was a free exchange of views.

Our understanding is that you wish to have a firm proposal ready to make to the Subcommittee, the full Committee, and the Senate as soon as practicable after the Second Session begins. However, as Ms. Russell and Dr. Horton pointed out to Mr. Deschamps, having only the month of January 2000 to complete a meaningful investigation and prepare a complete report to you on options available, much less a preferred course of action, does not provide very much time.

Alternatively, we suggested to Mr. Deschamps that you consider a two-pronged approach. First, the Congress should indicate that it wishes for the Department of Commerce to keep NTIS temporarily housed in that agency, fully operating, through September 30, 2001. This reasonable delay will give Congress and the President enough time to consider alternative courses that the Government might pursue, and come up with a preferred approach taking into account the consequences the closure of NTIS and transfer of its programs and services would have on the public.

As you know, NCLIS has already offered to undertake such a study. Therefore, the second part of the approach we suggest is that you request us to conduct such an investigative study, within the 3-6 month timeframe initially proposed.

Since we understand NTIS operated "in the black" for FY 1999, it seems to us that such a two-pronged strategy is defensible under the circumstances. After all, it is reasonable for the Congress to recommend that the President and Secretary Daley allow this two year "breather period" to give all the interested parties adequate time to take stock of the situation. At the same time, NTIS should continue on course to take prudent management steps to remain in the black for FY 2000 and 2001.

Meanwhile, NCLIS intends to be as proactive as possible. To that end we are convening a meeting of experts here in Washington, D.C. in January 2000, bringing together both the public and private sector stakeholders whose views on the public record are necessary for a thorough and systematic investigation of the alternatives. Certainly we will invite you and/or Subcommittee staffers (e.g. Mr. Deschamps) to that meeting, as well as the appropriate House committee people.

Thank you again for the opportunity to assist you and the Subcommittee in seeking a satisfactory resolution to the very complex and difficult public information resources management challenges the NTIS shutdown and transfer poses. We hope you will see your way clear to ask us to proceed along the lines we've suggested here.

Sincerely yours,

Robert S. Willard
Executive Director

CC: Chairperson Jeanne H. Simon

ATTACHMENT 4: CHRONOLOGY/BIBLIOGRAPHY OF DOCUMENTS AND EVENTS RELATIVE TO NTIS, JANUARY 26, 2000

[NOTE: Although the format may be different, the content of this document is as submitted or published.]

Chronology/Bibliography of Documents and Events Relative To NTIS' Position in the Department of Commerce

CHRONOLOGY/BIBLIOGRAPHY OF EVENTS RELATIVE TO NTIS' POSITION IN COMMERCE

Prepared by Sarah T. Kadec
January 26, 2000

- no effort was made to be comprehensive.
- selections were made to show the variety of options presented over time.

1945 *Executive Orders 9568 and 9604 Providing for the Release of Scientific Information. 10 FR 6917* and *10 FR 10960.*

Created Publications Board (PB) and authorized it to disseminate domestic and foreign World War II technical reports to industry.

1946 E.O. *9809 Providing for the disposition of certain war agencies.*

Merged the PB into a new unit, the Office of Technical Services (OTS), located in the Department of Commerce.

1950 *Technological, Scientific, and Engineering Information Act; to provide for the dissemination of technological, scientific and engineering information to American business and industry and for other purposes.* 81st Congress. Public Law 81-776. Directs the Secretary of Commerce "to establish and maintain a clearinghouse for the collection and dissemination of scientific, technical and engineering information."

1954 *Department of Commerce Order 157.* 19 FR 8045.

Developed and implemented policy governing dissemination of unclassified scientific, technical and economic information through OTS.

1958 *Improving the availability of scientific and technical information in the United States. Washington, DC, President's Science Advisory Committee, December 7, 1958. (Baker report)*

Recommended against creation of a centralized government information center; for creation of a Science information Service within NSF.

1962 **Task Force to the President's Special Assistant for Science & Technology. Scientific and technological communication in the government, - task force report. Washington, DC, OTS, April 1962. AD 299545. (Crawford Report)**

Translations recognized as a form of special information product; agreement between OTS and the John Crerar Library.

Required DOC to process information from domestic and foreign sources and make it available to state and local governments and other Federal agencies, as well as American industry, business and the public. (Some conflict of interpretation and understanding with responsibilities assigned to NSF in Title IX, NDEA 1958 arose).

"It is the policy of this Act, to the fullest extent feasible and consistent with the objectives of this Act, that each of the services and functions provided herein shall be self-sustaining or self-liquidating and that the general public shall not bear the cost of publications and other services which are for the special use and benefit of private groups and individuals; ...."

These provisions of the Act have apparently influenced the limitation of funds allocated to OTS. The resources provided to OTS over the years could not support an effective clearinghouse effort of the type intended by the Congress.

Recommendations to establish within the Executive Branch a Government-wide clearinghouse capability for documents reporting the results of R&D work; retrospective search and retrieval services of Federally supported, organized collections of scientific and technological information and for coordinated access to Federally supported specialized information centers and services. (Also currently and planned R&D and formal sci-tech meetings supported by the Federal Government).

Transfer of Technical Information Division, OTS, resources and responsibilities to the recommended clearinghouse.

OTS's "STINFO mission is quantitatively a minor portion of the over-all activities of the Department of Commerce and has never received emphasis from high administrative levels in that organization." "Past experience has shown that serious problems of

interagency cooperation arise when an agency with operating responsibilities is given Government-wide jurisdiction in that same area."

1963 President's Science Advisory Committee. Science, Government and Information; he responsibilities of the technical community and the government in the transfer of information. Washington, DC, The White House, January 10, 1963. (Weinberg Report).

Not in favor of proposed Department of Science or single organization for Government's total information system.

"A communication system controlled by the people it serves may in some respects be less efficient than a monolithic government system; it has, however, the overriding merit of being sensitive to the needs of its customers. It was as much as anything to preserve this essential quality of the present rather haphazard information system that the Baker Panel recommended against establishing an all encompassing, Government-operated information system in which control, however well meaning and beneficent its intent, is removed from the practitioners."

"We believe that OTS should be given enough support so that it can announce promptly and supply inexpensively a copy of any declassified Government technical report to any customer -- in short, that it should become a complete Government technical reports sales agency."

1965 *Clearinghouse for Federal Scientific and Technical Information (CFSTI) created in NBS.* 30 FR 1207.

Replaced OTS in Department of Commerce; began to issue consolidated index of Federal scientific and technical reports.

1965 *Dr. Mortimer Taube, Documentation, Inc.*, proposed CFSTI as an independent organization.

1970 Department of Commerce Order 30-7A. 34 FR 14475.

CFSTI renamed NTIS and empowered to act as major Federal clearinghouse for STI and business and statistical information; designed to be largely self-supporting.

1970 *Assistant Secretary for Science and Technology* in the Department of Commerce recommends NTIS become a corporation.

1975 U. S. Congress. House Committee on Science and Technology, Subcommittee on Domestic and International Scientific Planning and Analysis, Intergovernmental dissemination of Federal research and development results, Oversight hearings, 94th

Congress, 1st Session. Washington, DC, U.S. Government Printing Office, November 1975, Report no, 94-48.

STI discussed generally in terms of needs of state/local governments, especially re NTIS; Federal technology transfer programs also described.

1975 U. S. Congress, House, Committee on Science and Technology. National Science and Technology Policy and Organization Act of 1975. Report together with additional views, 94th Congress, 1st Session, Washington, DC, Government Printing Office, October 29, 1975. Report no. 94-595, to accompany H. R. 10230.
--- The National Science Policy and Organization Act of 1975, Hearings, 94th Congress, 1st Session. Washington, DC, June 1975 (on H, R. 4461 and H. R. 7630), Committee Print no. 15.
--- A proposed National Science Policy and Organization Act of 1975. 94th Congress, 1st Session, Washington, DC, 1975. Committee Print, Serial C.
--- A Bill - National Science Policy and Organization Act of 1975. HR 4461, 94th Congress, 1st Session, March 6, 1975. (Resulted in P.L. 94-282 in 1976)

Create a new Science and Technology Information and Utilization Corporation, merging NTIS, SSIE and NSF/DSI into it. Rationale: (1) STI is one of the nation's leading commodities and therefore could be handled by a corporate structure and (2) it may be desirable to make Federal STI dissemination efforts completely or partially self-sustaining.

Contains a chronology of Federal Executive Branch science organization from 1787-1975 and a list of selected references regarding Federal science policy and organization from 1951-1975.

1976 *National Science & Technology Policy, Organization and Priorities Act of 1976.* P. L. 94-262.
1970 Assistant Secretary for Science and Technology in the Department of Commerce recommends NTIS become a corporation.

1975 **U. S. Congress. House Committee on Science and Technology, Subcommittee on Domestic and International Scientific Planning and Analysis. Intergovernmental dissemination of Federal research and development results, Oversight hearings, 94th Congress, 1st Session. Washington, DO, U. S. Government Printing Office, November 1975, Report no. 94-48.**

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1976 *National Science & Technology Policy, Organization and Priorities Act of 1976. P. L. 94-262.*

See notes above relating to bill, Committee prints and report.

1976 **Whalen, Bruce G. and Joyce, Charles C., Jr., Scientific and technical information: options for national action, prepared for the National Science Foundation, Division of Science Information by Mitre Corporation, Metrek Division. Washington, DC, U. S. Government Printing Office, November 1976.**

"...SSIE and NTIS represent the only Federal mechanisms whose mandates cut across all missions and disciplines; ...the only centralized sources of STI which deal with dissemination of all Federally sponsored research and development results."

1980 *Stevenson-Wydler Technology Innovation Act of 1980. P. L. 96-480, 94 Stat. 2311.*

Directed the Department of Commerce to create the Center for the Utilization of Federal Technology (CUFT).

1980 *Commerce Technical Advisory Board's (CTAB)* working group on STI Policies examines the role of NTIS and possible alternatives to present operations.

1981 *Functions of the Smithsonian Science Information Exchange (SSIE) transferred to NTIS.*

SSIE superseded by Federal Research in Program (FEDRIP); available online through DIALOG.

1981 *Assistant Secretary for Communications* in Department of Commerce asks the Information Industry Association (IIA) to consider whether the private sector could offer NTIS products. Task Force recommends contracting out entire operation.

1984 *President's Private Sector Survey on Cost Control: Report to the President by Chairman J. Peter Grace. (the Grace Commission). P13 84-161 587.*

Specifically recommended that NTIS not be privatized, citing the need for an expanded NTIS role in R&D coordination.

1984 Based on IIA recommendations, NTIS is zeroed out of FY 1984 budget; Commerce reviews task force report, appeals to OMB for restoration; OMB approves restoration.

1984 *NTIS issues Federal Register* notice seeking vendors to distribute technical reports; no responses.

1985 *Assistant General Counsel for Administration* in Department of Commerce issues opinion that NTIS has legal authority to price its products higher than cost, provided they are reasonable.

1985 *OMB asks Commerce* to convene an industry/government working group on privatizing NTIS.

1986 **Japanese Technical Literature Act of 1986. P.L. 99-382, 100 Stat. 811.**

Amended the Stevenson-Wydler Innovation Act of 1960; authorized NTIS and other offices within the Department of Commerce to acquire and translate selected Japanese technical reports and documents of value to Federal agencies and U. S. industry.

1986 *NTIS* holds meeting on privatization.

1987 *OMB* directs privatization of NTIS in FY 1988 passback. H. R. 2160 amends NTIS reauthorization to prohibit privatization pending further study.

1987 **Vlannes, N. P. et al. National Technology Center: A national public service report. PB 87-174 728.**

Proposed a National Technology Center as a new "national library" and as a focal point for public access to Federal STI; would incorporate NTIS.

1987 **U. S. Congress. House Committee on Science, Space and Technology; Subcommittee on Science Research and Technology. Hearing on the privatization of the National Technical Information Service, Washington, DC, U. S. Government Printing Office, 1987. Y4.Sci 2:100/5.**

First hearing on NTIS privatization; testimony on the benefits and dangers of turning it over to the private sector.

1987 **U. S. Congress, House Committee on Science, Space and Technology, Subcommittee on Science Research and Technology. Scientific and technical information: policy and organization in the Federal Government (H.R. 2159 and H.R. 1615); house hearings. Washington, DC, U S. Government Printing Office, 1987. Y4. Sci 2:100/36.**

Discussed policy options for governing the collection and dissemination of STI, including establishing a National Technical Information Corporation as a wholly owned government corporation under the Secretary of Commerce, and a Government Information Agency to collect and distribute results of Federal R&D.

1988 ***On January 6, a notice was issued in the Commerce Business Daily to announce a planned January 29 conference with potential bidders on a contract for performance of NTIS services.***

1988 **On January 29, a pre-bidders conference was held at the *Department of Commerce.***

1988 *Omnibus Trade and Competitiveness Act of 1988 (See Title V, Technology Competitiveness Act). P.L. 100-418, 102 Stat. 1107.*

Prohibited NTIS privatization and required the Secretary of Commerce to report recommendations to Congress regarding NTIS modernization.

1988 **U.S., Congress, Office of Technology Assessment. Informing the Nation: Federal dissemination in an electronic age. Washington. DC, U.S. Government Printing Office, October 1988. OTA-CIT-396.**

Addresses proposals to (1) retain NTIS in DOC; (2) as a government corporation, (3) consolidate with SuDocs, either within GPO or part of a new Government Information Office; (4) consolidate with LC.

1988 **National Technical Information Act (NTIA) of 1988. P. L. 100-519 102 Stat, 2589.**

Creates new Technology Administration with NTIS (called the National Technical Information Center (NTIC) as a government corporation) as an integral part, ending the privatization controversy by ensuring NTIS to be a governmental function. Contained language stating that the Congress "remains unalterably opposed to contracting out NTIS or major functions or activities of the agency."

Specific responsibilities assigned to NTIS by NTIA;
Establish and maintain a permanent repository of non-classified scientific, technical and engineering information; cooperate and coordinate its operations with other Government scientific, technical and engineering information programs; enter into contracts, cooperative agreements, joint ventures and other transactions with outside firms, in accordance with all relevant provisions of Federal law; levy reasonable fees to operate on a self sustaining basis and, for the first time, to utilize net revenues for the acquisition of capital equipment; make its bibliographic information products (including, but not limited to, catalogs. indices, abstracts, and newsletters) available in a timely manner to depository libraries as a part of the Depository Library Program of the Government Printing Office; upon request and as appropriate, provide technical assistance and services to Federal agencies, consistent with the policy of the NTIA that all services and functions be self-sustaining or self-liquidating to the fullest extent feasible; in conjunction with the private sector as appropriate, to collect, translate into English, and disseminate unclassified foreign scientific, technical, and engineering information; implement new methods or media for the dissemination of scientific, technical and engineering information.

1988 **Wood, Fred (OTS). Informing the Nation: Federal information dissemination in an electronic age. Washington, DC, Congressional Joint Committee on Printing (JCP). OTA-CIT-396, Y3. T22/2:2 In 3/9, PB 89-114 243.**

Outlined strategies for GPO, Depository Library Program (DLP), and NTIS.

1988 **Privatization: toward more effective government, report of the President's Commission on Privatization. Pr 40.8 P 92/P 29. (the Linowes Commission).**

Privatization of NTIS was not recommended.

1990 **Stewart, Robert Keith. Access and *efficiency in Reagan-Era information policy: A case study of the attempt to privatize the National Technical Information Service. (doctoral dissertation).University of Washington. 91-04302.***

Concluded that by the mid-1980s there was an apparent shift in the direction of Federal information resource management policy away from access toward the idea of efficiency.

1991 **American Technology Preeminence Act (ATPA) of 1991.**

Operating costs associated with the acquisition, processing, storage, bibliographic control, and archiving of information and documents would be recovered primarily through the collection of fees (specifically no longer called "appropriations").

The head of each Federal executive department or agency was required to transfer in a timely manner and prescribed format to NTIS unclassified scientific, technical, and engineering information that results from Federally funded R&D activities. The Secretary of Commerce was directed to issue regulations within one year outlining procedures for the ongoing transfer of such information to NTIS.

Required a report that would include a revised detailed modernization plan, a business plan, and certification that NTIS had employed a CFO and begun taking reasonable steps towards strengthening its accounting system.

Clarified NTIS' joint venture authority granted under NTIA.

Required the Secretary of Commerce to perform a feasibility study of establishing and operating a Federal Online Information Product Catalog (FEDLINE) at NTIS that would serve as a comprehensive inventory and authoritative register of information products and services disseminated by the Federal government and assist Agencies and the public in locating Federal Government information.

Amended the NTIA to allow NTIS to produce and disseminate information products electronically.

1993 **House Committee on Science, Space and Technology, Subcommittee on Technology, Environment, and Aviation. The National Competitiveness Act of 1993, Hearings. Washington, DC., U. S. Government Printing Office, 1993. H. R. 820, Y4.SCI 2:103/13.**

Includes "The National Technical Information Service Business Plan", July 1992. The plan includes a discussion of consensus viewpoints derived from numerous studies in the 1980's. "Privatization was ruled out by Congress..... [as] inappropriate from a public policy prospective [and] would be counter productive from an operational standpoint. The information and data sets.... are taxpayer assets and should be subject to policy determinations of the Federal Government. A single private firm would find it difficult if not unmanageable to maintain ongoing acquisition relationships with the various Government information source agencies". NTIS commits to incorporate further study of organizational changes into its long-term planning, "in recognition of the importance of continuing the cross-Government consensus to preserve NTIS' dual character -- that of a public Agency and that of a self-supporting enterprise".

1995 **House Committee on Science. Restructuring the Federal scientific establishment; dismantling of the Department of Commerce, Hearing. 104th Congress, 1st session. Washington, DC, U, S. Government Printing Office, September 12, 1995.**

Congressman Walker (PA.) proposed to move Commerce Science and Technology programs into a new Department of Science or, failing that, to transfer some of those functions to the Department of Energy.
Secretary Brown: NTIS as a self-supporting Federal agency is not an appropriate target for privatization as has been proposed. As part of our reinvention efforts will seek to provide NTIS with increased flexibility to use commercial business practices, be granted waivers, and be accountable for agreed-upon performance gains.

Congressman Sheila Jackson Lee: Several attempts have been made to privatize NTIS; it has been well documented that no commercial entity could be found to assume its responsibilities. Principal of government is that it should be held responsible for how the taxpayers' money is spent. Allowing a private entity to then resell this information to the same public that paid for it seems to me to be unfair and unacceptable.

Question of who would control the archives if it were owned by a foreign government; would that government control people's access to that information.

Jean G, Mayhew, Chairman, NTIS Advisory Board. The NTIS Advisory Board advocates the reorganization of NTIS as a government corporation with government retaining full policy control to assure that public good functions are maintained. Government corporation status provides NTIS the necessary flexibility to operate as a small business rather than a bureaucracy.
Disadvantages of NTIS being sold to the private sector: collection lacks copyright protection; it could be legally reproduced by a competitor; once in the hands of the private sector, there is no guarantee that the documents would be managed in the best interests of the Nation; if the collection fell into the hands of a foreign company, it would decide which documents would remain available to the public, how much we would have to pay, or whether they could be destroyed. By privatizing NTIS, its mission and collection of information is no longer in the public interest; its access to federal agencies is limited, and it loses its status in dealing with other governments to obtain information for dissemination within the United States.

Congressman Brown, Jr.: In 1988, when the Committee on Science rejected the idea of privatizing the National Technical Information Service, Sherry Boehlert said "NTIS - or really its users -- have been sentenced to privatization, despite the verdict of numerous studies, each determining that the agency should remain within the government."

ATTACHMENT 5: SUMMARY OF THE PUBLIC STAKEHOLDER MEETINGS

[NOTE: Although the format may be different, the content of these documents is as submitted or published.]

Summary of Three NCLIS-Sponsored Public Stakeholder Meetings

SUMMARY OF THREE NCLIS-SPONSORED PUBLIC STAKEHOLDER MEETINGS
NTIS CLOSURE AND TRANSFER MATTER

The U.S. National Commission on Libraries and Information Science held three public meetings to address the announcement made by Secretary Daley of the Department of Commerce in August 1999, to close the National Technical Information Service (NTIS), and transfer its collections and bibliographic database to the Library of Congress.
The first meeting was held at the Benton Foundation in Washington, D.C. on January 19, 2000, and was based on invitations extended to a limited number of pre-identified stakeholders whom the Commission believed would represent a broad cross-section of groups which had a stake or an interest in the Commerce proposal.

The second meeting was held in the Rayburn House Office Building on February 4, 2000, and the public at large was invited.

The third and final meeting was held in the Russell Senate Office Building on February 29, 2000, and, once again, the public at large was invited. A Federal Register notice was published on February 14, 2000, invited the public to attend and explaining the background and purpose of the meeting.

Participants in all three meetings, and their affiliated organizations, are listed in an attachment.

The Commission indicated in all three meetings that it was fulfilling its statutory mandate and charter to both the President and the Congress by trying to play an "honest broker" role in bringing the various stakeholder groups together so that they could interact and exchange facts and opinions in a free and open environment without the burden of necessarily officially representing their respective parent organizations. Unofficial, informal transcripts of the meetings were sent for review and correction to each participant that spoke and remarks were then published for internal participant review. An official, formal transcript of the meetings was not made.

On February 17, 2000 at its regular meeting in Los Angeles, the National Commission approved for public review and comment an "Emerging Consensus Position Paper" that embodied the key findings, conclusions, and recommendations which the Commission believed were, at that point in time, emerging and enjoyed at least a working consensus of support among the participants. It was pointed out that no pretense to complete unanimity was being made.

The aforementioned position paper was posted to the NCLIS web site and comments were requested by March 10, 2000, and attention to the document was invited by means of an NCLIS press release, notice on bulletin boards and listservs, e-mail messages, letters to associations and societies inviting them to publicize the NCLIS document, and by other means. Comments were received from dozens of individuals and groups, and many of those were published on the web site. A list of documents posted to the NCLIS web site is also attached.

At the third and final public meeting held on February 29th, the announcement was made that the position paper would be transformed into a final report to the President and the Congress, and participants asked to be given one final opportunity to review and critique the NCLIS final report. On March 13, 2000, the Commission published a draft of its final report entitled "Preliminary Assessment of the Department of Commerce Proposal to Close the National Technical Information Service and Transfer its Collections and Functions to the Library of Congress." Reviewers were advised that their comments would have to be received by the Commission by cob Wednesday, March 15, 2000, in order to be considered.

Final comments were received and taken into account in the preparation of the final report, which was published on March 16, 2000.

Attachments

1. Complete List of Public Meeting Participants
2. List of NCLIS Web Site Documents Published

Complete List of Public Meeting Participants

COMPLETE LIST OF PUBLIC MEETING PARTICIPANTS

Prudence Adler	Association of Research Libraries+
Nancy Allard	National Archives and Records Administration*+
Kenneth Allen	National Newspaper Association*+
Mary Alice Baish	American Association of Law Libraries+
Ernest Baldwin	Government Printing Office
Lewis Bellardo	Deputy Archivist of the United States, NARA*
Michael Bracy	Bracy Associates (representing Chief Officers of State Library Agencies, COSLA)
Lynne Bradley	American Library Association+
Jennifer Bramlett	Science Applications Information Corporation^
Melanie Brown	Joint Committee on Printing/Joint Committee on the Library
Francis Buckley	Superintendent of Documents+
Bonnie Carroll	Consultant, Executive Director, CENDI+
Joan Challinor	NCLIS+
Louisa Day	President, Local 1627, National Federation of Federal Employees*+
Melvin Day	Former Director of NTIS, Retired*+
Paul A. De Giusti	The McGraw-Hill Company
Blane Dessy	Department of Education (representing the Federal Library and Information Center Committee, FLICC)+
Miriam Drake	Georgia Institute of Technology^
Dan Duncan	Policy Consultant
Jennifer Edelman	George Mason University+
Terri Fish	House Committee on Science
Robert Gellman	Gellman Associates
Kennie Gill	Senate Committee on Rules and Administration
Martha Gould	NCLIS+
Jeff Greene	House Committee on Science
Don Hagen	Bernan Associates
Woody Horton	NCLIS Consultant*+
Richard Huffine	Environmental Protection Agency+

Michael Jarvis	General Accounting Office+
Sarah Kadec	NCLIS Consultant*+
Barbie Keiser	College of Insurance^
Wayne Kelley	Former Superintendent of Documents, Retired
Sarah Kadec	Consultant, NCLIS*
Nancy King	Johns Hopkins University Applied Research Lab^
Lenoard Kruger	Congressional Research Service
John Latham	Special Libraries Association
Mary Beth Lawler	Government Printing Office+
David LeDuc	Software and Information Industry Association*+
Laura Madden	Bracy Associates (representing Chief Operating Officers of State Library Agencies, COSLA)
William Magee	The Catholic University of America^
George Marling	Mitre Corporation
Eric Massant	Reed Elsevier, Inc.
Gary McCone	National Agriculture Library^
Patrice McDermott	OMB Watch*
Stephen Miller	House Committee on House Administration
Kurt Molholm	Director, Defense Technical Information Center*+
Peyton Neal	PRN Associates*+
Steve Needle	NTIS*+
Miriam Nisbet	American Library Association
Jonathan Orszag	Department of Commerce*
Michal Quear	House Committee on Science
Franklin Reeder	The Reeder Group
Judith Russell	NCLIS*+
Pamela Russell	Library of Congress*
Vicki Severietti	The Catholic University of America^
Andrew Sherman	Government Printing Office*
Kent Smith	National Library of Medicine
Timothy Sprehe	Sprehe Information Management Associates
Al Stapleton	General Accounting Office
Nye Stevens	General Accounting Office
John Stevenson	University of Delaware (representing American Library Association)^
Winston Tabb	Library of Congress
Anneliese Taylor	George Mason University^
Claudette Tennant	American Library Association
Peter Urbach	Former Director of NTIS, Retired*
Rosalie Vlach	NCLIS*+
Walter Warnick	Department of Energy*
Linda Washington	National Center for Health Statistics
Robert Willard	NCLIS*+

Where neither an "*" or "+" symbol appear, attended only the January 19th meeting
*Attended both the January 19th and February 4 meetings
+Attended both the January 19th and February 29th meetings
^Attended only the February 29th meeting
*+Attended all three meetings

List of Documents About the NTIS Assessment Posted to or Linked from the NCLIS Website as of March 15, 2000

Source: (http://www.nclis.gov/info/ntis/ntis.html)

NTIS CLOSURE AND TRANSFER

Department of Commerce's Plan to Close the National Technical Information Service

- Preliminary Assessment of the Department of Commerce Proposal to Close the National Technical Information Service and Transfer Its Collection and Functions to The Library of Congress - A Report to the President and the Congress Prepared by the United States National Commission on Libraries and Information Science - March 13, 2000
- Revised Comments on Emerging Consensus Position Paper, Proposed NTIS Closure by Linda M. Kennedy, Head, Government Information and Maps Department, University of California, Davis - March 10, 2000
- Supplemental Views, American Library Association by Chadwick Raymond, Chair ALA Committee on Legislation - March 10, 2000
- Comment on the NCLIS "Emerging Consensus Position Paper" by Melvin S. Day, Former Director, NTIS - March 10, 2000
- Comments on behalf of Software and Information Industry Association (SIIA) by Ken Wasch, President - March 10, 2000
- American Association of Law Libraries (AALL) Supplemental Comments on the Proposed NTIS Closure & Transfer - March 6, 2000
- The *Los Angeles Times* published an editorial entitled "Science Information in Peril" about the closure of NTIS. The full text may be viewed at the following URL address: http://www.latimes.com/news/comment/20000301/t000019809.html - March 1, 2000
- Department of Commerce Letter to LA Times Editor on preceding editorial - March 7, 2000
- ALA letter to NCLIS Executive Director: Comment on the NCLIS "Emerging Consensus Position Paper." - February 29, 2000
- RESOLUTION ON NO-FEE PERMANENT PUBLIC ACCESS TO SCIENTIFIC AND TECHNICAL INFORMATION (STI) Adopted by the Council of the American Library Association, San Antonio, TX - January 19, 2000
- NTIS: Proposed Closure and Transfer of Functions - NCLIS Powerpoint presentation for meeting - February 29, 2000
- COSLA letter to NCLIS Executive Director re: NTIS Proposed Closure & Transfer of Functions - February 28, 2000
- NCLIS Guidelines for Consideration of Alternatives Relating to the NTIS Closure & Transfer of Functions - February 27, 2000
- Comments on NTIS: Proposed Closure and Transfer of Functions - Statement by Bernadine E. Abbott Hoduski, Government Information Advisor (Retired Professional Staff Member, U.S. Congress, Joint Committee on Printing) - February 25, 2000
- Joint Statement, MLA, SLA, ARL & AALL - February 25, 2000
- Draft Agenda, NTIS: Proposed Closure and Transfer of Functions Second Special Meeting, February 29, 2000 - February 23, 2000
- U.S. Environmental Protection Agency (EPA) Office of Solid Waste (OSW) - Comments on the Proposed Closure and Transfer of Functions of NTIS - February 22, 2000
- National Federation of Federal Employees - The Union's Perspective on the future of NTIS - February 17, 2000

- NTIS: Proposed Closure and Transfer of Functions Activity or Service Matrix - February 15, 2000
- Press Release - NCLIS to Hold Meeting on NTIS Closure (meeting on February 29, 2000) - February 8, 2000
- Historical Considerations of NTIS, Sarah T. Kadec - February 7, 2000
- NTIS: Proposed Closure and Transfer of Functions - NCLIS Powerpoint presentation for meeting - February 4, 2000
- Final Agenda, NTIS: Proposed Closure and Transfer of Functions Second Special Meeting, February 4, 2000 - February 4, 2000
- Toward a National Library of Science and Technology: Building on the Present - Creating the Digital Future by Bonnie C. Carroll and Gail M. Hodge (October 12, 1998) - For the Second Meeting of the National Commission on Libraries and Information Science on the Department of Commerce's proposed closing of the National Technical Information Service - February 4, 2000
  Note: The source information on this document contains some word processing software symbols and codes, which govern formatting conventions, but which the NCLIS system is unable to interpret or understand. Therefore, some users may have difficulty downloading the document, or have difficulty reading some of the text. We apologize for this inconvenience and suggest that the document originator be contacted if required.
- Second Statement by Peter F. Urbach, Former Director of NTIS, For the Second Meeting of the National Commission on Libraries and Information Science on the Department of Commerce's proposed closing of the National Technical Information Service - February 4, 2000
- The Future of the NTIS Function Independent of Organizational Location by Peter F. Urbach Powerpoint Slide Presentation - February 1, 2000
- Where Should the NTIS Function Be Located Organizationally? by Peter F. Urbach Powerpoint Slide Presentation - February 1, 2000
- Participant Invitation List, Second Special NTIS Closure/Transfer Expert Meeting, February 4, 2000 - January 27, 2000
- Invitation Letter to Participants to Attend February 4, 2000 Meeting - January 27, 2000
- Chronology/Bibliography of Events Relative to NTIS' Position in Commerce, Prepared by Sarah T. Kadec - January 26, 2000
- Remarks regarding the future of NTIS by Miriam A. Drake, Dean and Director of Libraries, Georgia Institute of Technology Library and Information Center - January 20, 2000
- Invitation Letter to the Benton Foundation Meeting - January 19, 2000
- Participant Invitation List, NTIS Closure/Transfer Expert Meeting, January 19, 2000
- NTIS: Proposed Closing & Transfer of Functions Meeting, Attendees by Category - January 19, 2000
- Agenda - January 19, 2000
- NTIS: PROPOSED CLOSURE & TRANSFER OF FUNCTIONS Powerpoint Slide Presentation - January 19, 2000
- Statement of Peter F. Urbach, Former Director of NTIS for the Benton Foundation Meeting of the U.S. National Commission on Libraries and Information Science on the Department of Commerce's proposed closing of the National Technical Information Service - January 19, 2000
- National Technical Information Service
  Performing a Vital Public Service, but Facing an Impossible Problem - Walter Warnick
- The End of the National Technical Information Service? - J. Timothy Sprehe

- Comments Relating to the Proposed Closure and Transfer of NTIS Functions from the Department of Commerce to the Library of Congress by Wayne Kelley, Former Superintendent of Documents, Government Printing Office (GPO) - January 18, 2000
- Technical Impacts of the Closing of NTIS, CENDI Input from 10 Member Executive Branch Agencies - 1999
- Letter to The Honorable Bill Frist - December 10, 1999
- Responses to Questions Submitted by Senator Bill Frist to Commissioner Joan R. Challinor - October 21, 1999
- Oral Testimony Handout - Commissioner Joan Challinor - October 21, 1999
- Prepared Senate Committee Testimony - Commissioner Joan Challinor - October 21, 1999
- Statement of Caroline C. Long on behalf of the American Association of Law Libraries American Library Association, Association of Research Libraries, Medical Library Association, Special Libraries Association before the Subcommittee on Technology House Science Committee on the Proposed Closing of the National Technical Information Service - September 14, 1999
- Letter to The Honorable Constance M. Morella - September 13, 1999
- Letter to The Honorable William M. Daley - August 16, 1999

Link to:

- GODORT, the Government Documents Round Table of the American Library Association would like to comment on the proposed closure of NTIS. Our statement is currently available at http://www2.lib.udel.edu/godort/nclis/.
- ALA Resolution on Government Printing Office FY 2000 Salaries and Expenses Appropriations - last modified February 17, 2000
- President's Budget for Fiscal Year 2001 referring to NTIS Federal Funds, Intergovernmental Funds
  pages 227 and 228 (pages 33 and 34 in the Adobe Acrobat program)
- President's Budget for Fiscal Year 2001 referring to National Technical Information Service NTIS Revolving Fund page 1222 (page 6 in the Adobe Acrobat program)

15 U.S. Code

- CHAPTER 23 - DISSEMINATION OF TECHNICAL, SCIENTIFIC AND ENGINEERING INFORMATION
- CHAPTER 63 - TECHNOLOGY INNOVATION

- U.S. Senate Science and Technology
- Senate Hearing Record
- A Report on the National Technical Information Service (NTIS) Prepared by the Department of Commerce
- NCLIS Principles of Public Information
  Adopted by the U.S. National Commission on Libraries and Information Science on June 29, 1990

ATTACHMENT 6: SUMMARIES OF SPECIAL MEETINGS FEDERAL CENTRAL INFORMATION SERVICE ORGANIZATIONS, THE OFFICE OF MANAGEMENT AND BUDGET (OMB) AND THE INFORMATION INDUSTRY

[NOTE: Although the format may be different, the content of these documents is as submitted or published.]

Summary of Meetings with the Office of Management and Budget, the Software and Information Industry Association, and Selected Private Sector Respondents

SUMMARY OF MEETINGS WITH THE OFFICE OF MANAGEMENT AND BUDGET, THE SOFTWARE AND INFORMATION INDUSTRY ASSOCIATION, AND SELECTED PRIVATE SECTOR RESPONDENTS

During the months of January, February and March, 2000, NCLIS Executive Director Robert Willard, Deputy Director Judith Russell, and NCLIS Consultants Woody Horton and Sarah Kadec met with, or made telephonic or e-mail contact with Mr. Stephen Suh, OMB Examiner responsible for NTIS, Mr. David LeDuc and Mr. Peyton Neal representing the Software and Information Industry Association, as well as Mr. Dan Duncan and Mr. Ken Allen, former executives of the former Information Industry Association, and several other knowledgeable individuals for the purpose of soliciting their views on the NTIS closure and transfer matter. First, Mr. Neal and Mr. LeDuc thought the idea of holding a special meeting at the Commission for the purpose of exchanging views on the industry's perspective of the NTIS closure matter would be very helpful. A meeting has tentatively been scheduled for April 2000. Both Mr. Duncan and Mr. Allen endorsed this idea. All individuals also agreed to the idea of a panel composed of both government and industry officials to help evaluate the alternatives in front of the Commission, would also be helpful. The Commissions 1980-1981 experience with the former Public Sector/Private Sector Task Force in the Integration in Providing Information Services could be used as a model for either or both of these endeavors.

Second, in the meeting with Mr. Suh on March 6 2000, there was a cordial exchange of views on the role of NCLIS in the matter, the background of the public meetings and research that had been undertaken, the various "deliverables" that NCLIS had already, or was planning to produce, and suggestions from both parties on further research needs. Mr. Suh's name had already been placed on the NCLIS e-mail distribution list to receive copies of these deliverables, and Mr. Suh was already aware generally of the contents of the NCLIS web site. Mr. Suh confirmed that his "budget side of the OMB house," rather than the "management side of the OMB house" which includes OIRA was taken the lead on this matter because it was considered a reorganization matter primarily. However, Mr. Suh acknowledged that the matter did raise and involve several Federal information policy questions and considerations.

Summary of Meetings With the Library of Congress, the National Archives and Records Administration, and the Superintendent of Documents, U.S. Government Printing Office and the Head of the Government Information Technology Services Board

SUMMARY OF MEETINGS WITH SENIOR OFFICIALS OF
THE GOVERNMENT PRINTING OFFICE, THE LIBRARY OF CONGRESS, AND THE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, AND
WITH THE HEAD OF THE GOVERNMENT INFORMATION TECHNOLOGY SERVICES
BOARD (ALSO DEPUTY HEAD OF THE CIO COUNCIL)

On February 7, 2000 the Executive Director met with the Francis J. Buckley, The Superintendent of Documents of the Government Printing Office and Lewis Bellardo, the Deputy Archivist of the United States. In a follow-on telephone conversation later the same day he also discussed substantively the same matters with the Associate Librarian of Congress for Cataloging, Winston Tabb.

In this meeting the Executive Director requested that each of the three major Federal information service organizations, GPO, NARA, and LC, reaffirm precisely what their positions were currently with respect to the NTIS closure and transfer matter. In each case these officials indicated that first and foremost in their view was the need to ensure that whatever course of action the government eventually adopts, there should be no erosion in a satisfactory level of service to the public, which NTIS had been providing for many years. In short, regardless of the organizational location of the NTIS organization, that overarching goal must be kept in mind.

That said, in each of the three cases the officials made clear to NCLIS that:

- None of them could or would be able to assume all of the NTIS functions, services, and assets, and perform them at the same minimal satisfactory level that they had been performed historically, without various kinds of statutory, budgetary, policy, and other modifications;
- None of them could or would be able to assume the functions without additional funding;
- All agreed that there was a need for appropriation financing for the "inherently governmental functions," which could be solicited from the Congress either by modifying their own "normal" appropriation requests, or via a separation appropriation; and
- All agreed that there was a need to ensure that the views of the authorization and appropriation committees must be clarified and made public before their respective organizations would be able, themselves, to take a public position.

All of the officials endorse the broad course of action the Commission was planning to follow, namely, the request to the President and the Congress to shift financing for the inherently governmental functions from a self-sustaining basis to an appropriation basis. Moreover, all agreed that time was needed to study all of the alternatives, and the eighteen month April 1, 2000 – September 30, 2001 to undertaken that "in-depth assessment" seemed reasonable.

On February 25, 2000, the NCLIS Executive Director met with Al Pesachowitz, Deputy CIO of the Environmental Protection Agency, and "double-hatted" as head of the Government Information Technology Services Board (GITSB) and member of the (Federal) CIO Council. The purpose of this meeting was to ensure that the broad question of how to strengthen the

dissemination of government information to the public was, indeed, "on the agenda" of the GITSB and the CIO Council. Mr. Pesachowitz reassured the Executive Director that, indeed, it was a high priority item for them even though they have been preoccupied with many other IT related issues such as the Y2K problem, the Internet security problem, the Internet privacy of information problem, and many others.

The Commission pointed out that there were four specific areas that it commended to the attention of GITSB and the CIO Council that were of paramount importance to it in the context of the broad dissemination of government information to the public issue:

- Permanent public accessibility;
- Permanent records retention;
- Preservation; and
- Authentication.

There are some additional important issue areas, but the above four are the ones that are foremost, and were all intimately involved in the GPO/Westat study, which also involved the Federal agency CIOs.

It was agreed that NCLIS and the CIO Council would establish and maintain a working relationship and Mr. Willard promised to write Mr. Pesachowitz a letter as soon as practicable to suggest some concrete ways the two organizations could work more closely and effectively together.

ATTACHMENT 7: NCLIS *FEDERAL REGISTER* NOTICE SEEKING PUBLIC COMMENT ON THE NTIS CLOSURE

[NOTE: Although the format may be different, the content of this document is as submitted or published.]

***Federal Register* Notice on the Proposed Closure and Transfer of Functions of NTIS, February 14, 2000**

[Federal Register: February 14, 2000 (Volume 65, Number 30)]
[Notices]
[Page 7398]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr14fe00-79]

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NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Open Meeting

AGENCY: National Commission on Libraries and Information Science.
Matter to be considered: Proposed Closure and Transfer of Functions of National Technical Information Service (NTIS)

Summary: In fulfillment of its statutory mandate to advise the President and the Congress on national and international library and information policies and plans, the Commission has been studying the proposal made in August 1999 by Secretary of Commerce William Daley to close the National Technical Information Service (NTIS) and transfer its collections, functions, services, and assets to the Library of Congress. The Commission has convened two meetings of interested parties for the purpose of allowing them to comment and to offer recommendations. More than 75 major stakeholders representing federal agencies, libraries and the private sector participated in the earlier meetings resulting in narrowing the number of options being considered for the future of NTIS.

In an effort to ensure that all interested parties have the opportunity to be heard, NCLIS is scheduling one additional meeting to review a draft of the Commission's findings. The Commission will then review all comments, before making its final recommendation to Congress and the Administration.

Date and Time: Tuesday, February 29, 2000 at 9:00 a.m. until 3:00 p.m.
Place: 253 Russell Senate Office Building.

Letters to legislators and NCLIS testimony before the Senate Subcommittee on Science, Technology and Space, Committee on Commerce, Science and Transportation as well as comments, reports and summaries of the earlier meetings can be viewed on the NCLIS web site at http://www.nclis.gov/info/ntis/ntis.html. Anyone wishing to make comments on the deliberations or to present statements may contact Woody Horton at (202) 606-9200 or through e-mail at whorton@nclis.gov no later than 10:00 a.m. February 25, 2000. All comments received will be made publicly available on the NCLIS website.

To make special arrangements for physically challenged persons, contact Barbara Whiteleather (202) 606-9200.

Dated: February 9, 2000.
Robert S. Willard,
Executive Director, NCLIS.
[FR Doc. 00-3364 Filed 2-11-00; 8:45 am]
BILLING CODE 7527-01-M

ATTACHMENT 8: NCLIS PRINCIPLES OF PUBLIC INFORMATION

[NOTE: Although the format may be different, the content of this document is as submitted or published.]

Principles of Public Information

PRINCIPLES OF PUBLIC INFORMATION

Preamble

From the birth of our nation, open and uninhibited access to public information has ensured good government and a free society. Public information helps to educate our people, stimulate our progress and solve our most complex economic, scientific and social problems. With the coming of the Information Age and its many new technologies, however, public information has

expanded so quickly that basic principles regarding its creation, use and dissemination are in danger of being neglected and even forgotten.

The National Commission on Libraries and Information Science, therefore, reaffirms that the information policies of the U.S., government are based on the freedoms guaranteed by the Constitution, and on the recognition of public information as a national resource to be developed and preserved in the public interest. We define **public information** as information created, compiled and/or maintained by the Federal Government. We assert that public information is information owned by the people, held in trust by their government, and should be available to the people except where restricted by law. It is in this spirit of public ownership and public trust that we offer the following Principles of Public Information.

Principles

1. The public has the right of access to public information.
Government agencies should guarantee open, timely and uninhibited access to public information except where restricted by law. People should be able to access public information, regardless of its format, without any special training or expertise.

2. The Federal Government should guarantee the integrity and preservation of public information, regardless of its format.
By maintaining public information in the face of changing times and technologies, government agencies assure the government's accountability and the accessibility of the government's business to the public.

3. The Federal Government should guarantee the dissemination, reproduction, and redistribution of public information.
Any restriction of dissemination or any other function dealing with public information must be strictly defined by law.

4. The Federal Government should safeguard the privacy of persons who use or request information, as well as persons about whom information exists in government records.

5. The Federal Government should ensure a wide diversity of sources of access, private as well as governmental, to public information.
Although sources of access may change over time and because of advances in technology, government agencies have an obligation to the public to encourage diversity.

6. The Federal Government should not allow cost to obstruct the people's access to public information.
Costs incurred by creating, collecting and processing information for the government's own purposes should not be passed on to people who wish to utilize public information.

7. The Federal Government should ensure that information about government information is easily available and in a single index accessible in a variety of formats.
The government index of public information should be in addition to inventories of information kept within individual government agencies.

8. The Federal Government should guarantee the public's access to public information, regardless of where they live and work, through national networks and programs like the Depository Library Program.

Government agencies should periodically review such programs as well as the emerging technology to ensure that access to public information remains inexpensive and convenient to the public.

Conclusion

The National Commission on Libraries and Information Science offers these Principles of Public Information as a foundation for the decisions made throughout the Federal Government and the nation regarding issues of public information. We urge all branches of the Federal Government, state and local governments and the private sector to utilize these principles in the development of information policies and in the creation, use, dissemination and preservation of public information. We believe that in so acting, they will serve the best interests of the nation and the people in the Information Age.

Adopted by the U.S. National Commission on Libraries and Information Science
June 29, 1990

ATTACHMENT 9: LOS ANGELES TIMES EDITORIAL, MARCH 1, 2000, AND SECRETARY DALEY'S LETTER TO THE EDITOR, MARCH 6, 2000

[NOTE: Although the format may be different, the content of these documents is as submitted or published.]

Los Angeles Times Editorial, "Science in Peril," March 1, 2000

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WEDNESDAY, MARCH 1, 2000

Science Information in Peril

For half a century a small federal agency called the National Technical information Service has been the repository for federally funded scientific, technical and engineering information. Now the Commerce Department wants to shut it down, saving about $4 million a year it is true that the service's paper-based delivery systems are outmoded and that many documents are available free on the Internet. But some functions are still vital. That's why Congress, rather than supporting the Clinton administrations hasty plan, should fully fund the agency for at least another year In that time, the U.S. National Commission on Libraries and Information Science can study how to modernize or replace the agency.

The Commerce Department says the Technical Information Service is obsolete because federal agencies now post their documents on the Web. However, two-thirds of the reports requested from the service are 3 to 1 0 years old and agencies seldom post such older data. Moreover, Michael F. DiMario, an official of the Government Printing Office, recently told Congress that on the Web "documents are put up and taken down by federal agencies virtually at random. Without a policy of permanent public access, there is no assurance that a document seen on the Web by the public today will be available next week."

Congress should also see that someone in Washington carries on important tasks of the Technical Information Service like tracking down publicly funded research results that have not been publicly posted, a function required by federal law. The agency itself may not be needed, but it does important work that should be continued.

Secretary Daley's Letter to the Editor of the *Los Angeles Times*, March 7, 2000

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TUESDAY, MARCH 7, 2000

We agree with you that the National Technical Information Service "does important work that should be continued." That is why our proposal-- contrary to what your March I editorial suggests-- does not completely eliminate NTIS. We propose to shut down the parts of NTIS that duplicate other government programs or compete with the private sector. But we do not propose to eliminate the core clearinghouse function, which collects and disseminates federally funded science and technical information. And, contrary to your editorial, I believe our plan would provide the public better access to scientific and technical information.

As the U.S. National Commission on Libraries and Information Science found, the current business model of NTIS is fundamentally flawed. In an Internet age, this small agency cannot support itself. We must do something this year to ensure that this agency does not go bankrupt.

Our proposal is a "good government" measure; it gets rid of the unnecessary and outmoded parts of NTIS and puts the important information collection and disseminating function at an organization that specializes in information collection and dissemination.

WILLIAM M. DALEY
Secretary of Commerce
Washington

ATTACHMENT 10: ADDITIONAL TECHNICAL DATA AND SUPPORTING DOCUMENTATION

[NOTE: Although the format may be different, the content of these documents is as submitted or published.]

Purpose of This Attachment

The purpose of this attachment is to bring together certain technical data and information which supports selected key points in the main report, and which the Commission believes could be very helpful to the Presidential and Congressional decision-making processes required to satisfactorily resolve the NTIS matter. Because the data is of a relatively detailed and specific nature, it would have been inappropriate for inclusion in the body of the main report.

The contents include:

- Core List of NTIS Activities, Services and Assets, Classified on the Basis of Whether Mandated or NTIS-Initiated

- NCLIS Guidelines for the Evaluation of Alternatives Considered in This Assessment
- Some Assumptions and Constraints Considered in This Assessment
- Key Excerpts from Department of Commerce Inspector General's Report on the NTIS
- Key Excerpts from Department of Commerce Report on the NTIS
- Key Excerpts from the Arthur Andersen Report to the Department of Commerce on NTIS
- FY 2001 President's Budget – NTIS Accounts
- Major Cost Components of the $1.6 Million NTIS Estimate for Expanding Federal Depository Library Access to NTIS Reports
- Selected List of Legislation, Rules and Regulations Impacting NTIS Mission and Functions
- Draft Key Provisions of Existing and Proposed Legislative Amendments

Core List of NTIS Activities, Services and Assets, Classified on the Basis of Whether Mandated or NTIS-Initiated

This is detailed list of core NTIS activities, services, and assets, annotated as to whether each activity, service or asset is explicitly mandated in a statute, or whether it is an activity or service which NTIS initiated on its own authority.

NTIS: PROPOSED CLOSURE AND TRANSFER OF FUNCTIONS

In the Column Labeled MANDATORY OR NTIS INITIATED,
M = Explicit Mandate (in statute)
N = NTIS Initiated/Optional

Item Number	ACTIVITY OR SERVICE	MANDATORY OR NTIS INITIATED*
1	Historical Collection	M
1A	Ensured Permanent Availability for Agencies & Public	M
2	Foreign Information Collection	M
2A	Translations	M
2B	Copyright Releases	N
2C	International Sales Agent Agreements	N
3	Domestic Information Collection	M
3A	Website Harvesting	N
3B	Proactive Data Collection	M
3C	Statutory Submission	M
4	Bibliographic Control/Indexing & Abstracting	M
4A	Performed by NTIS	M
4B	Integrated from Publishing Agencies (DTIC, DOE, etc.)	N
4C	Publication of Bibliographic Index/Database	M
4C	Leasing NTIS Database	

Item Number	ACTIVITY OR SERVICE, continued	MANDATORY OR NTIS INITIATED*
5	Scan Documents for Storage/Reproduction	N
6	Customer Support Services	N
6A	User Support/Help Desk	N
6B	Database/Software Documentation	N
7	Dissemination Services (Paper, Microfiche, Software, CD-ROM, etc.)	M
7A	Selected Research in Microfiche (SRIM)	N
7B	Standing Orders	N
7C	Subscriptions (e.g. Word News Connection)	N
8	Sales (Paper, Microfiche, CD-ROM, Software, Audio-Visual, etc.)	M
8A	On-Demand Duplication	M
8B	Sales from Inventory	M
8C	Process Orders for Fulfillment by Others (e.g. U.S. Publishers)	N
9	Technology Transfer	M
9A	FEDRIP (Research in Progress)	M
10	FEDWORLD (Website)	N
10A	FEDLINE (locator) Demonstration	M
11	International Trade Center Bookstore	N
12	Services to Federal Agencies	
12A	FOIA Fulfillment	N
12B	Website Hosting	N
12C	FDLP Compliance	N
12D	Archive Legacy Documents/Data	N
12E	Order Processing/Billing Services	N
12F	Marketing Agency Publications	N
12G	Database Licensing	N
12H	Serve as Official Repository to Meet Agency NARA Obligations	N
12I	Fulfillment of Agency Distribution Requirements	N
12I-1	IRS Forms & Documents	N
12J	Publishing Agency Bibliographic Tools	N
12K	Publishing Agency CD-ROM Products	N

Item Number	ASSET	
13	Employees	

Item Number	ASSET, continued	
14	Existing Leases	
14A	Facilities	
14B	Equipment	
15	Existing Contracts	
15A	Joint Ventures	
15B	Subscription Services	
15C	Deposit Accounts	
15D	Service Contracts (CD-ROM Duplication, etc.)	
15E	Dialog & Other Database Vendors	
16	Revolving Fund/Retained Earnings	
17	Advisory Board	

Note: The classification of activities and services as either mandatory or self-initiated is preliminary, and subject to further verification and validation during the course of the Commission's in-depth assessment to follow. Even though the "mandated or NTIS-initiated" annotation is not made for the assets listed at the bottom of the list, the assets are included in the interests of trying to be as inclusive as possible in identifying all NTIS functions and activities.

NCLIS Guidelines for the Evaluation of Alternatives Considered in This Assessment

The following are guidelines which the Commission plans to follow in evaluating the pros and cons, and the benefits and costs, of the various alternatives to be considered. These guidelines were developed with the assistance of the various stakeholder groups with whom the Commission met on several occasions. There are three "levels" of guidelines arranged in a nested hierarchical fashion, beginning first with the most general principles, then those which apply to STI, then guidelines pertaining to the mission and role of NTIS. A fourth and final list of guidelines are correlated with general principles of management and analytical methodology, not necessarily linked specifically to NTIS or STI.

I. GENERAL GUIDELINES

1. The public has a right to government information.

2. The government should maximize the availability of its information to the public, and minimize information withheld from the public, subject to the appropriate safeguards, restrictions and protections relating to national security, privacy, confidentiality, and so forth.

3. The public has a right of easy, fair, and equitable access to government information. This includes the further harmonization of the bibliographic control systems (LC/MARC & COSATI) used to catalog, organize, and disseminate scientific and technical information.

4. The government should ensure the integrity, authenticity, and preservation of its information.

5. The government should develop and put in place as quickly as possible a comprehensive and authoritative locator and finding system for use by the public to access Government information regardless of its location.

6. Individual Federal agency dissemination initiatives are very commendable, but are insufficient by themselves without strengthened coordination and augmentation.

7. The public and private sectors should work together to facilitate multiple and diverse public information sources, products, and services.

II. SCIENTIFIC AND TECHNICAL INFORMATION GUIDELINES

1. Scientific and technical information (STI) produced or acquired by the government is a strategic and critical national asset.

2. The cost of the life cycle management of STI, including dissemination and permanent public access, should be an integral cost of research and development.

3. The American economy benefits substantially from the diffusion of R&D STI.

4. STI collections must be made permanently publicly accessible.

5. Scientific and technical official records must be scheduled and retained permanently.

6. Scientific and technical data and documents must be preserved regardless of media and format, and protected from loss, including technological change.

III. THE ROLE AND MISSION OF NTIS

1. The statutory mission of NTIS is fundamentally sound because foreign and domestic STI is critical to the advancement of science, and the growth of the U.S. economy.

2. Some NTIS functions are inherently governmental in nature, should be considered a public good, and therefore funded by Congressional appropriations. This includes the acquisition, storage, bibliographic control and archiving of Federally-funded R&D information and data.

3. Some NTIS functions could be self-supported or privatized. This includes such activities as sales, marketing and order processing for value-added services.

4. The current NTIS business model is flawed and needs to be reconfigured and modernized, taking into account greater utilization of the full range of World Wide Web and Internet features and capabilities.

5. Changes to the NTIS business model should take into account consultations with stakeholders both inside and outside of government.

IV. ADDITIONAL GUIDELINES

1. Based on consultations with stakeholders, NCLIS will narrow as much as possible the number of alternatives to be presented in its final report.

2. Pros and cons for evaluating and comparing alternatives will be based on specific criteria agreed upon by the stakeholders.

3. The assessment of the final alternatives presented will also take into account the explicit assumptions and constraints agreed upon by the stakeholders.

Some Assumptions and Constraints Considered in This Assessment

Some preliminary assumptions and constraints which the Commission believes may have a bearing on its evaluation of alternatives, but which have not yet been validated with the stakeholder groups (but will be before utilization), include:

1. Some mandated NTIS Activities, Services, or Assets may be eliminated;
2. Some mandated NTIS Activities, Services, or Assets may be better operated on a centralized basis, but others might best be operated on a distributed and/or decentralized basis, and the distinction should be studied carefully;
3. Even if NTIS were retained in the Department of Commerce, closed down, or its activities transferred elsewhere, its statutory framework will have to be modified;
4. With the same caveats expressed in 3 above, NTIS's policy framework will have to be modified;
5. With the same caveats expressed in 3 above, NTIS's budgetary framework will have to be modified;
6. With the same caveats expressed in 3 above, NTIS's finance and accounting framework will have to be modified;
7. No alternative to be considered will fulfill all of the criteria identified in Para. C, Guidelines, above, in an "ideal, 100%" fashion;
8. Hybrid solutions (that is, a mixture of the elements of several alternatives) is at least possible and feasible, if not entirely likely; and
9. The full range of both domestic and foreign, both historical collections vs. ongoing collections, both inherently governmental functions vs. NTIS self-initiated functions, bibliographic control alternatives, and the preparation of documents for retention and dissemination, must be considered.

Key Excerpts from Department of Commerce Inspector General's Report on the NTIS

On March 19, 1998, Acting Inspector General Johnnie E. Frazier sent a letter, subject: "Audit of NTIS's FY 1997 Financial Statements Audit Report No. FSC-9867-8-0001" to Dr. Donald R. Johnson, (former) Director of NTIS.

Attached to that document was the DOC IG's "Semiannual Report to the Congress," dated March 31, 1997.

On page 12 of that report, under the caption "NTIS Expansionary Activities," the following is quoted:

"We recently completed a program evaluation of the National Technical Information Service's operations, including its CyberFile project for the Internal Revenue Service (IRS). We found that in pursuing its mandated responsibilities, NTIS has generally worked effectively with other federal agencies to increase its inventory of the nation's scientific, technical and engineering information, in compliance with the American Technology Preeminence Act (ATPA).

"However, we are very concerned about the expansionary efforts and activities taken on by NTIS based on (1) its interpretation of the agency's authority under ATPA, (2) a push to generate new revenues, and (3) a general desire to expand its operations. We are concerned that some of these tasks are on the border of - - if not outside - - NTIS's authority and statutory mission. Also, poorly chosen expansionary projects potentially detract from NTIS's ability to fulfill its primary and traditional mission.

"A prime example is NTIS's attempt to develop for IRS a system capability that would enable U.S. taxpayers with home computers to submit their tax returns electronically. Unfortunately, CyberFile - - a $22 million project, NTIS's largest ever - - was poorly managed on many fronts, and NTIS's role in the project became the subject of GAO, OIG, IRS internal audit, and congressional concerns and criticism."

Key Excerpts from Internal Department of Commerce Report on the NTIS

The Department of Commerce prepared a special report entitled "A Report on the National Technical Information Service (NTIS)," in 1999 that was published before Secretary of Commerce Daley's August 1999 proposal to close down NTIS and transfer its collections and bibliographic database to the Library of Congress.

In this report, under the caption "Options considered," the following appears:

"In the fall of 1998, the Department contracted with Andersen Consulting to obtain an independent review of NTIS operations. Andersen identified potential market and product opportunities to improve the financial performance of NTIS. The Department considered these suggestions and several others. In the spring of 1999, the Department identified and refined three long-term options that would address NTIS's difficult financial situation and ensure the continuation of public access to important government information, while also considering the needs of NTIS's workforce.

"The Department considered options to 1) maintain NTIS at Commerce and request annual appropriations to both permit NTIS to digitize the most recent ten years of its collection and to fund the clearinghouse, 2) maintain current NTIS operations while seeking annual appropriations to supplement declining clearinghouse revenues, cutting costs where possible, and 3) seek a one-time appropriation to close NTIS and transfer the collection and document dissemination to another organization.

"Of the three options considered, the Department estimated that the third would require the least cumulative appropriations through fiscal year 2004. The Department estimates that it would require about $14 million and the receipt of

the transfer of about $3 million over the next five years. Options 1 and 2 could each require as much as $30 million through fiscal year 2004.

"Option 3 ensures continued public access to government scientific, technical and engineering information because it will be available through the Library of Congress and directly from the agencies creating the information. The proposed legislation will include new provisions to ensure that agencies fulfill their two-fold obligations to post their documents on their web sites and provide electronic copies to the Library.

"It should be noted that the Department selected the Library of Congress for the transfer of NTIS's collection and the maintenance of its bibliographic databases because the Library already houses a significant collection of scientific materials of over several million volumes. Additionally, the public can access the Library through online catalogs. The Department also considered the National Archives and Records Administration and the Government Printing Office. The Department is currently working with these organizations and other interested parties in addressing specific issues to ensure the proposed legislation will enable the public to have the best possible access to scientific and technical information."

Key Excerpts from the Arthur Andersen Report to the Department of Commerce on the NTIS

The Department of Commerce contracted with Andersen Consulting in the fall of 1998 to perform an "independent comprehensive review" of NTIS operations, at the suggestion of the Department's IG (whose own report is referred to in preceding paragraphs). Their report, entitled "Developing a Market-Driven Growth Strategy" is dated December 17, 1998.

"Strategic Options and Constraints

Given the structural changes to the market, NTIS must develop and execute a new action plan to regain financial viability. While there is potential for profit improvement, there are significant barriers to implementation. Obstacles include the inability to copyright, restrictions on outsourcing and labor practices, and the mandate to perform the public good functions of collecting, inputting, and archiving the U.S. government's scientific and technical information. These obstacles and obligations prevent NTIS from operating as a private business, even though it is required to be self-sustaining. NTIS must pursue one, or a combination of, three strategies to continue to finance the operation of the Clearinghouse.

NTIS's three options include:

Increase profits. NTIS could increase profitability by identifying and acquiring more best sellers, and/or decreasing costs. To generate the $25M in revenue and thus $5M in profits needed to finance NTIS's clearinghouse operations, a fundamental shift in its marketing efforts will be needed. This will require annual funding of $1-3 million for staff and $5-10 million to modernize for the strategy. On the cost side, with current regulatory obstacles, NTIS will only be able to reduce costs by, at most, $500,000.

Remove competitive constraints. NTIS could seek legislative changes to allow more competitive actions, such as advertising, a primary and often sole revenue source for NTIS competitors. However, this is currently not an option for NTIS due to public policy concerns. While Andersen Consulting did not look at costs, our best practice re-engineering experience suggests that with current obstacles removed, costs could potentially be cut between 10 and 20 percent.

Obtain appropriations. NTIS could seek an appropriation to cover the rising mandated costs while allowing distribution costs to be covered by revenue. These costs are expected to rise 5% a year from their current level of $5.2 million. An appropriation would enable NTIS to fulfill its mission as a clearinghouse to serve the public good. Moreover, it would level the playing field with government agencies like GPO and STATS-USA which receive funding to cover input costs."

Note: The U. S. National Commission on Libraries and Information Science, in this report, is recommending the third option be pursued. No inference should be drawn, however, that in so recommending this option, there is an attempt to "level the playing field" as the idea is espoused in the Andersen Consulting report. On the contrary, the Commission believes that all government agencies with sales programs for the marketing and selling of government information to the public should be subject to the same consistent application of government information dissemination policies and regulations.

FY 2001 President's Budget – NTIS Accounts

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND
(Supplemental now requested, existing legislation)
Program and Financing (in millions of dollars)

Identification code 13–4295–1–3–376	1999 actual	2000 est.	2001 est.
Obligations by program activity:			
10.00 Total new obligations (object class 13.0)			4.5
Budgetary resources available for obligation:			
22.00 New budget authority (gross)			4.5
23.95 Total new obligations			4.5
New budget authority (gross), detail:			
Discretionary:			
42.00 Transferred from other accounts			4.5
Change in unpaid obligations:			
73.10 Total new obligations			4.5
73.20 Total outlays (gross) ...			4.5
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority			4.5

Net budget authority and outlays:

89.00 Budget authority	4.5
90.00 Outlays	4.5

NOTE: This supplemental request would provide $4.5 million to the NTIS revolving fund for the one-time costs of the shutdown of the NTIS. The Department of Commerce has proposed legislation to close NTIS. As of the date of this NCLIS report, the Department has not changed its position in this regard.

Major Cost Components of the $1.6 Million NTIS Estimate for Expanding Federal Depository Library Access to NTIS Reports

NTIS has indicated that it would have to make some substantial infrastructure improvements to accommodate the needs of 1,400 libraries and the increased number of "hits" expected. The major cost components identified by NTIS are:

- $800,000 for storage of images on hard-drives to replace the tape storage NTIS is currently using;
- $400,000 for contractors to re-program an interface between the pilot and the NTIS electronic delivery system (ADSTAR), and ready the bibliographic database for searching and ordering from the web;
- $300,000 for additional Internet bandwidth for the program; and
- $100,000 for database server upgrades to accommodate the increased utilization.
- **Total: $1.6M**

Note: It is important to recognize that these are preliminary estimates, provided by NTIS; they have not been verified or validated as of the date of this report. Alternatives, such as the transfer of electronic reports to GPO for dissemination to the Federal Depository Libraries, have not been considered to determine the most cost-effective method of providing access.

Selected List of Legislation, Rules and Regulations Impacting NTIS Mission and Functions

- Title 44, especially Chapters 17, 19, 31, 33, 35, and 41
- Atomic Energy Act of 1954
- Government Research and Development Patent Policy Act of 1984
- Federal Science and Technology Transfer Act of 1986
- Stevenson-Wydler Innovation Act of 1980
- Paperwork Reduction Reauthorization Act of 1995
- National Science and Technology Policy, Organization and Priorities Act of 1976
- Japanese Technical Literature Act of 1986
- American Technology Preeminence Act of 1991
- Executive Order 12591, "Facilitating Access to Science and Technology," April 10, 1987
- Executive Order 12881, "Establishing the National Science and Technology Council," November 23, 1993
- OMB Circular A-130, "Management of Federal Information Resources," February 8, 1996

Draft Key Provisions of Existing and Proposed Legislative Amendments

1. Proposed language with respect to repealing the "collection of fees" requirement.

   "Section 103(c) of title I of the American Technology Preeminence Act of 1991 (Pub. L. 102-245, title I, Sec. 103©, 106 Stat. 8) which provided for the funding of activities described in Section 2(a) of this bill through the collection of fees, is repealed."

2. Proposed language with respect to clarifying the mission and functions of NTIS.

   "Section 2 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended by adding a new paragraph (12) as follows:

   "(12) It is in the public interest to ensure that decisions to acquire, collect and preserve scientific, technical, and engineering information are made primarily on the basis of enduring research, productivity, competitiveness and general public information value, and not on the basis of sales potential. To this end, costs associated with those functions which are inherently governmental in nature and considered a "public good" or "common good" should be borne by the public at large utilizing appropriated funds. The cost of marketing and selling information products and services, on the other hand, should be borne by the consumer who is the immediate beneficiary."

3. Proposed language with respect to authorization of appropriations.

   (a) "For each of Fiscal Years 2001 and 2002, respectively, there is authorized to be appropriated $5,000,000 for operating costs of the National Technical Information Service associated with the acquisition, processing, storage, bibliographic control, conversion to electronic format, and archiving of scientific and technical information."

   (b) "For Fiscal Year 2001 there is authorized to be appropriated $1,600,000 to expand to all depository libraries the pilot program instituted by the National Technical Information Service and the Superintendent of Public Documents in 1998 to improve free public permanent access to NTIS materials."

   Note: As pointed out in other sections of this report, these figures need to be verified and validated.

4. Existing language with respect to user fee (USC Sec. 1153, P.L. 91-412 "Rules, regulations and fees:"

   "It is the policy of this chapter, to the fullest extent feasible and consistent with the objectives of this chapter, that each of the services provided herein shall be self-sustaining or self-liquidating and that the general public shall not bear the cost of publications and other services which are for the special use and benefit of private groups and individuals; but nothing herein shall be construed to require the levying of fees or charges for services performed or publications furnished to any agency or instrumentality of the Federal Government, or for publications which are distributed pursuant to reciprocal arrangements for the exchange of

information or which are otherwise issued primarily for the general benefit of the public."

5. Existing language with respect to agency information dissemination responsibilities under Public Law 104-13, 109 STAT. 163, the Paperwork Reduction Act of 1995:

Section 3506(d) "with respect to information dissemination, each agency shall - -

(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through - -

(A) encouraging a diversity of public and private sources for information based on government public information;
(B) in cases in which the agency provides public information maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and
(C) agency dissemination of public information in an efficient, effective, and economical manner;

(2) regularly solicit and consider public input on the agency's information dissemination activities;

(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

(4) not, except where specifically authorized by statute - -

(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;
(B) restrict or regulate the use, resale, or redissemination of public information by the public;
(C) charge fees or royalties for resale or redissemination of public information; or
(D) establish user fees for public information that exceed the cost of dissemination."

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